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**1999**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 31 — July 30, 1999

Pages 8,544 – 8,736

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17, 1999 - Issue 16: Through	March 31, 1999
July	17, 1999 - Issue 29: Through	June 30, 1999
October	16, 1999 - Issue 42: Through	September 30, 1999
January	15, 2000 - Issue 3: Through	December 31, 1999 (Annual)



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Savings and Loan Act of 1985

2) Code Citation: 38 Ill. Adm. Code 1000

3) Section Numbers: Proposed Action:

1000.141 Amendment

1000.142 Amendment

1000.151 Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking simplifies supervisory fee structure. The proposed amendments lower fees by rounding down to the nearest whole number under Sections 1000.141 and 1000.142. The proposed rulemaking also repeals Section 1000.151. This Section states the Commissioner shall issue a credit memorandum that each association operating under the provisions of the Illinois Savings and Loan Act of 1985 [205 ILCS 105] may use to offset balances owed from the Supervisory Fee calculated in Section 1000.141.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Bill Brown, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701  
217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensees under the Illinois Savings and Loan Act of 1985.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

## PART 1000

## ILLINOIS SAVINGS AND LOAN ACT OF 1985

## SUBPART A: FEES

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1000.140	Annual Supervisory Fees (Repealed)
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1000.430	Maintenance of Records
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## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

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## SUBPART F: INVESTMENTS

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1000.665	Other Loans
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1000.675	Investment Parity (Repealed)
1000.680	Unsecured Loans (Repealed)
1000.690	Sale of Loans and Participations (Repealed)
1000.700	Insider Loan Rates (Repealed)
1000.710	Reverse Mortgage Loans
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## SUBPART I: SERVICE CORPORATIONS

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## OFFICE OF BANKS AND REAL ESTATE

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## OFFICE OF BANKS AND REAL ESTATE

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OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amendment at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Reg. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Reg. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Reg. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: FEES

Section 1000.141 Supervisory Fees

a) The Commissioner shall receive, and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of \$450, plus a variable fee based on the total assets of each association and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule: 25-2¢ per \$1,000 of the first \$2,000,000 of total assets, 22-6¢ per \$1,000 of the next \$3,000,000 of total assets, 20-16¢ per \$1,000 of the next \$5,000,000 of total assets, 17-6¢ per \$1,000 of the next \$15,000,000 of total assets, 15-12¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-84¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

1000.2040 Stock of a Subsidiary of a Mutual Holding Company  
1000.2050 Stock Subsidiary Formation  
1000.2055 Net Worth Maintenance Agreement  
1000.2060 Members' Rights  
1000.2070 Investment  
1000.2105 Notice Requirement/Corrective Action  
1000.2110 Insider Abuses  
1000.2120 Penalty (Emergency Expired)  
1000.2200 Determination of the Qualification and Condition of an Out-of-State Acquisition  
1000.2300 Disposal of a Subsidiary  
1000.2310 Dividends  
1000.2320 Officers and Directors List  
1000.2330 Access to Books and Records  
1000.2340 Reports (Emergency Expired)  
1000.2400 Annual Audit Requirements  
1000.2410 Maintenance of Records  
1000.2420 Notice of Appointment of CPA  
1000.2500 Savings and Loan Holding Company Filing Fees  
1000.2510 Savings and Loan Holding Company Supervisory Fees  
1000.2520 Examination Fees  
1000.2530 Conditions  
1000.2540 Manner of Payment  
1000.2550 Transformation from Deposit to Non-Deposit (Emergency Expired)

SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section  
1000.2700 Purpose  
1000.2710 Composition, Appointment

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) The Commissioner shall receive and there shall be paid to the Commissioner by each association a fee of \$450 for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.

c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.

d) Supervisory fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1000.142 Adjusted Supervisory Fees

a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1000.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1000.141 of this Subpart are made according to the following schedule: 25-¢ per \$1,000 of the first \$2,000,000 of total assets, 22-68¢ per \$1,000 of the next \$3,000,000

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

of total assets, 20-16¢ per \$1,000 of the next \$5,000,000 of total assets, 17-64¢ per \$1,000 of the next \$15,000,000 of total assets, 15-12¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-84¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each association and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1000.151 Special Credit (Repealed)

The Commissioner shall issue a credit memorandum that each association operating under the provisions of the Illinois Savings and Loan Act of 1985 (205 ILCS 195) may use to offset balances owed from the Supervisory Fee calculated in Section 1000.141 of this Part. The credit shall be calculated based on the total assets reported by each association as of December 31, 1996 as follows: 2-25¢ per \$1,000 of the first \$2,000,000 of total assets, 2-035¢ per \$1,000 of the next \$3,000,000 of total assets, 1-8¢ per \$1,000 of the next \$5,000,000 of total assets, 1-575¢ per \$1,000 of the next \$15,000,000 of total assets, 1-3¢ per \$1,000 of the next \$25,000,000 of total assets, 1-12¢ per \$1,000 of the next \$50,000,000 of total assets, 9¢ per \$1,000 of the next



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

1000.2040 Stock of a Subsidiary of a Mutual Holding Company  
 1000.2050 Stock Subsidiary Formation  
 1000.2055 Net Worth Maintenance Agreement  
 1000.2060 Members' Rights  
 1000.2070 Investment  
 1000.2105 Notice Requirement/Corrective Action  
 1000.2110 Insider Abuses  
 1000.2120 Penalty (Emergency Expired)  
 1000.2200 Determination of the Qualification and Condition of an Out-of-State Acquisition  
 1000.2300 Disposal of a Subsidiary  
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 1000.2510 Savings and Loan Holding Company Supervisory Fees  
 1000.2520 Examination Fees  
 1000.2530 Conditions  
 1000.2540 Manner of Payment  
 1000.2550 Transformation from Deposit to Non-Deposit (Emergency Expired)

## SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section  
 1000.2700 Purpose  
 1000.2710 Composition, Appointment

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)] and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 19, p. 22, effective May 12, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141, effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amendment at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 13 Ill. Reg. 8927, effective May 26, 1989; amended at 16 Ill. Reg. 4881, effective March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 March 17, 1992; transferred from Chapter III, 38 Ill. Adm. Code 400 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1000 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 1003] at 17 Ill. Reg. 4464; recodified from Chapter III, Commissioner of Savings and Residential Finance, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6707, effective March 30, 1993; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: FEES

## Section 1000.141 Supervisory Fees

a) The Commissioner shall receive, and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of \$450, plus a variable fee based on the total assets of each association and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule: 25-2¢ per \$1,000 of the first \$2,000,000 of total assets, 22-6¢ per \$1,000 of the next \$3,000,000 of total assets, 20-16¢ per \$1,000 of the next \$5,000,000 of total assets, 17-64¢ per \$1,000 of the next \$15,000,000 of total assets, 15-12¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-84¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a



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Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) The Commissioner shall receive and there shall be paid to the Commissioner by each association a fee of \$450 for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.

c) One fourth of the sum of the supervisory fee so determined shall be remitted as billed by the Commissioner. Such fees shall be for the respective current year.

d) Supervisory fees shall be determined by the Commissioner following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1000.142 Adjusted Supervisory Fees

a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1000.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1000.141 of this Subpart are made according to the following schedule: 25-2¢ per \$1,000 of the first \$2,000,000 of total assets, 22-6¢ per \$1,000 of the next \$3,000,000

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of total assets, 20-16¢ per \$1,000 of the next \$5,000,000 of total assets, 17-6¢ per \$1,000 of the next \$15,000,000 of total assets, 15-12¢ per \$1,000 of the next \$25,000,000 of total assets, 12-6¢ per \$1,000 of the next \$50,000,000 of total assets, 10-8¢ per \$1,000 of the next \$400,000,000 of total assets, 7-56¢ per \$1,000 of the next \$500,000,000 of total assets, and 5-84¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

b) Adjusted supervisory fees shall be remitted as billed by the Commissioner. In the event the total assets of each association and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.

c) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the association is undergoing a planned liquidation (where an association elects to not continue operations), or, the association has transferred significant assets (more than 1/2 of 1% of the total assets at the previous measurement date).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1000.151 Special Credit (Repealed)

The Commissioner shall issue a credit memorandum that each association operating under the provisions of the Illinois Savings and Loan Act of 1985 (205 ILCS 195) may use to offset balances owed from the Supervisory Fee calculated in Section 1000.141 of this Part. The credit shall be calculated based on the total assets reported by each association as of December 31, 1996 as follows: 2-25¢ per \$1,000 of the first \$2,000,000 of total assets, 2-025¢ per \$1,000 of the next \$3,000,000 of total assets, 1-8¢ per \$1,000 of the next \$5,000,000 of total assets, 1-575¢ per \$1,000 of the next \$15,000,000 of total assets, 1-35¢ per \$1,000 of the next \$25,000,000 of total assets, 1-125¢ per \$1,000 of the next \$50,000,000 of total assets, 9¢ per \$1,000 of the next



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~~\$400,000 of total assets, and .675¢ per \$1,000 of the total assets in excess of \$500,000 of such savings bank; in addition, the credit shall include a fixed amount of \$400.~~

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Numbers: Proposed Action:  
1050.250 Amendment  
1050.360 New Section  
1050.410 Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking establishes new requirements pertaining to education requirements for certain employees. Each licensee which employs persons within Illinois to take residential mortgage applications from consumers is required to have such persons complete a minimum of 3 hours of education in real estate finance each calendar year at a source approved by the Commissioner. Any person who becomes an employee of a licensee later than September first of any year shall be exempt from this education requirement in the year of his or her hire.

The proposed rulemaking also makes a change in Section 1050.250 regarding "mail-in" examinations conducted pursuant to Section 1050.425(h). This amendment allows no charge for examination so long as the examination can be conducted in two days or less and the rating of the licensee remains such that the licensee continues to be eligible for the mail-in examination program.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Bill Brown, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900



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Springfield, Illinois 62701  
217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensees under the Residential Mortgage License Act of 1987.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

## PART 1050

## RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

## SUBPART A: DEFINITIONS

Section	Act
1050.110	Administrative Decision
1050.115	Assisting
1050.120	Commissioner
1050.125	Control
1050.130	Document
1050.135	Employee
1050.140	First Tier Subsidiary
1050.145	Hearing Officer
1050.150	Material
1050.160	Other Regulatory Agencies
1050.165	Party
1050.170	Principal Place of Business
1050.175	Repurchase a Loan
1050.180	State
1050.185	

## SUBPART B: FEES

Section	Fees
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

## SUBPART C: LICENSING

Section	Licensing
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office

## OFFICE OF BANKS AND REAL ESTATE

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1050.360 Continuing Education Requirements for Certain Employees

## SUBPART D: OPERATIONS AND SUPERVISION

Section	
1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

## SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	
1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.660	Verification

## SUBPART F: FORECLOSURE RATE

Section	
1050.710	Computation of National Residential Mortgage Foreclosure Rate
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730	Excess Foreclosure Rate
1050.740	Foreclosure Rate Hearing
1050.750	Commissioner's Authority - Unusually High Rate

## SUBPART G: SERVICING

Section	
1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan

## SUBPART H: ADVERTISING

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Section	
1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

## SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

## SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records

## SUBPART K: GENERAL LENDING PRACTICES

Section	
1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements

## SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws



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1050.1355 Failure to Close - Disclosure  
1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section  
1050.1410 General  
1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section  
1050.1510 Applicability  
1050.1520 Definitions  
1050.1530 Filing  
1050.1540 Form of Documents  
1050.1550 Computation of Time  
1050.1560 Appearances  
1050.1570 Request for Hearing  
1050.1580 Notice of Hearing  
1050.1590 Service of the Notice of Hearing  
1050.1595 Bill of Particulars or Motion for More Definite Statement  
1050.1600 Motion and Answer  
1050.1610 Consolidation and Severance of Matters - Additional Parties  
1050.1620 Intervention  
1050.1630 Postponement or Continuance of Hearing  
1050.1640 Authority of Hearing Officer  
1050.1650 Bias or Disqualification of Hearing Officer  
1050.1660 Prehearing Conferences  
1050.1670 Discovery  
1050.1680 Subpoenas  
1050.1690 Conduct of Hearing  
1050.1700 Default  
1050.1710 Evidence  
1050.1720 Hostile Witnesses  
1050.1730 Record of Proceedings  
1050.1740 Briefs  
1050.1750 Hearing Officer's Recommendation  
1050.1760 Order of the Commissioner  
1050.1770 Rehearings and Reopening of Hearings  
1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393,

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effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: FEES

Section 1050.250 Examination Fees

- a) Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Commissioner at a rate of \$400 per examiner day with the following exception: Examinations conducted pursuant to Section 1050.425(h) of this Part, known as "mail-in" examinations, shall be conducted at no charge so long as:
  - 1) the examination can be conducted in two days or less; and
  - 2) the rating of the licensee remains such that the licensee continues to be eligible for the mail-in examination program.
- b) Such fees shall be billed within forty-five (45) days following completion of the examination. However, the date of the billing shall not prejudice the validity of an invoice for any such fee or fees billed at a later date. Such fee shall be paid within thirty (30) days after of receipt of the examination billing of the Commissioner.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: LICENSING

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**Section 1050.360 Continuing Education Requirements for Certain Employees**

Each licensee that employs persons within Illinois to take residential mortgage applications from consumers is required to have those persons complete a minimum of 3 hours of education in real estate finance each calendar year at a source approved by the Commissioner. Any person who becomes an employee of a licensee later than September 1 of any year shall be exempt from this education requirement in the year of his or her hire.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: OPERATIONS AND SUPERVISION

**Section 1050.410 Net Worth**

a) Amount. Except as provided in subsection (c) of this Section, each licensee shall maintain a minimum net worth of \$100,000.

b) Calculation. Net worth shall be defined as total assets minus total liabilities, except that total assets shall not include the following:

- 1) That portion of a licensee's assets pledged to secure obligation of any person or entity other than that of the mortgagee;
- 2) Any asset (except construction loans receivable, secured by first mortgages from related companies) due from officers or stockholders having an interest;
- 3) That portion of any marketable security (listed or unlisted) not shown at the lower of cost or market, except for any shares of Federal National Mortgage Association stock required to be held under a servicing agreement which shall be carried at cost;
- 4) Any real estate held for sale or investment where development will not start within two (2) years from date of acquisition;
- 5) Any amount in excess of the lower of the cost or market value of mortgages in foreclosure, construction loans, or foreclosed property acquired through foreclosures;
- 6) Any amount shown on the books for investment in and advances to joint ventures, subsidiaries, affiliates, and selected companies which is greater than the value of the said assets at equity;
- 7) Goodwill or value placed on insurance renewals or property management contract renewals or other similar intangibles;
- 8) Organization costs;
- 9) Any leasehold improvements not being amortized over the lesser of the expected life of the asset or the remaining term of the lease;
- 10) Commitment fees paid which are not recoverable through the closing or selling of loans;
- 11) The value of any servicing contracts not determined in accordance with Financial Accounting Standards Board Statement No. 65 and

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- Financial Accounting Standards Board Technical Bulletin 87-3; and
- 12) Any asset may be excluded from the calculation of the licensee's net worth upon the Commissioner's finding that including the asset undermines or may undermine, in whole or in part, any purpose of the Act, as identified at Section 1-2 of the Act. Any report or finding made under this subsection (b)(12) paragraph shall, in writing, identify which of the Act's purposes is or may be undermined and how including the asset results in such effect.
- c) ~~A Upon written approval of the Commissioner, a licensee that, which engages solely in loan brokering as defined in Section 1-4(o) of the Act, is may be excepted from complying with the net worth requirements of subsection (a) of this Section provided the such licensee provides written evidence to the Commissioner of the such licensee's conformance with a net worth of \$35,000, as required by Section 3-5 of the Act. The allowable components of the \$35,000 net worth shall conform pro rata with the net worth requirements of the United States Department of Housing and Urban Development, as set forth in The Audit Guide for Audits of HUD Approved Nonsupervised Mortgagees for Use by Independent Public Accountants and be subject to subsection (b)(12) of this Section. In determining whether to grant such exceptions, the Commissioner shall consider the financial condition, experience, and background of such licensee.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Savings Bank Act

2) Code Citation: 38 Ill. Adm. Code 1075

3) Section Numbers: Proposed Action:  
1075.141 Repeal

4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ILCS 205]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking repeals Section 1075.141. This Section states the Commissioner shall issue a credit memorandum which each savings bank operating under the provisions of the Illinois Savings Bank Act [205 ILCS 205] may use to offset balances owed from the Supervisory Fee calculated in Section 1075.140.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Bill Brown, Legislative Liaison  
Office of Banks and Real Estate  
500 East Monroe, Suite 900  
Springfield, Illinois 62701  
217/782-3000

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Licensees under the Savings Bank Act.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the proposed Amendment begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

## PART 1075

## SAVINGS BANK ACT

## SUBPART A: FILINGS

## Section

1075.100 Filings

1075.110 Conditions

1075.120 Examination Fees

1075.130 Supervisory Fees

1075.140 Adjusted Supervisory Fees

1075.141 Special Credit (Repealed)

## SUBPART B: DEFINITIONS

## Section

1075.200 Definitions

## SUBPART C: REPORTS

## Section

1075.300 Contracts

1075.310 Financial Reports

## SUBPART D: OPERATIONS

## Section

1075.400 Capital Stock (Repealed)

1075.410 Minimum Capital Requirement

1075.415 Conflicting Federal Powers, Law and Regulations

1075.420 Advertising

1075.430 Maintenance of Records

1075.440 Business Plan

1075.450 Excess Insurance

1075.455 Vacancies in the Board of Directors

1075.460 Bond of Officers, Directors, Employees and Agents

1075.465 Indemnification of Officers, Directors, Employees and Agents

1075.470 Deceptively Similar Names

1075.480 Manner of Display of Annual Meeting Notice

1075.490 Procedures for Exercise of Dissenters Rights

## SUBPART E: INVESTMENTS

## Section

1075.500 Prudent Person Rule

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1075.505

Investment Underwriting Practice

1075.510

Discrimination and Redlining

1075.515

Loans Secured by Real Estate

1075.520

Construction Loans

1075.525

Mobile Home Financing (Repealed)

1075.530

Overdraft Loans

1075.535

Education Loans

1075.540

Vehicle/Automobile Loans

1075.545

Home Equity Loans

1075.550

Letter of Credit

1075.555

Other Investments

1075.560

Commercial Paper

1075.565

Financial Futures

1075.570

Financial Options

1075.575

Finance Leasing

1075.580

Suretyship

1075.585

Asset Reserves

## SUBPART F: SERVICE CORPORATION AND OPERATING SUBSIDIARIES

## Section

1075.600

Requirements

1075.610

Approval by the Commissioner

1075.620

Investment Limitations

1075.630

Investments by Service Corporations

1075.640

Ownership of Capital Stock of Service Corporation

1075.650

Prohibited Transactions

1075.660

Disclosure to Service Corporation

1075.670

Reporting Requirements

1075.680

Audit Requirements

## SUBPART G: RELOCATIONS AND BRANCHING

## Section

1075.700

General

1075.705

Application

1075.710

Request for Preliminary Determination

1075.715

Public Notice and Inspection

1075.720

Protest

1075.725

Oral Argument

1075.730

Application for the Maintenance of Branch Office after Conversion,

1075.735

Consolidation, Purchase of Assets or Merger

1075.740

Redesignation of Offices

1075.745

Termination of Operation and/or Closing of a Branch Office

1075.750

Agency Offices

Remote Drive-In and/or Remote Pedestrian Facilities

## SUBPART H: CAPITAL NOTES AND DEBENTURES



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## SUBPART I: ADMINISTRATIVE HEARING PROCEDURES

Section	
1075.800	Approval
1075.810	Conversion to Stock
1075.820	Priority of Claim
Section	
1075.900	Applicability
1075.905	Definitions
1075.910	Early Neutral Evaluation
1075.915	Conference Adjudicative Hearing
1075.920	Filing
1075.925	Form of Documents
1075.930	Computation of Time
1075.935	Appearances
1075.940	Notice of Hearing
1075.945	Service of the Notice of Hearing
1075.950	Motion and Answer
1075.955	Consolidation and Severance of Matters-Additional Parties
1075.960	Intervention
1075.965	Postponement or Continuance of Hearing
1075.970	Authority of Hearing Officer
1075.975	Bias or Disqualification of Hearing Officer
1075.980	Prehearing Conferences
1075.985	Discovery
1075.990	Subpoenas
1075.995	Conduct of the Hearing
1075.1000	Default
1075.1005	Evidence
1075.1010	Official Notice
1075.1015	Hostile Witnesses
1075.1020	Transcription of Proceedings
1075.1025	Briefs
1075.1030	Hearing Officer's Findings, Opinions and Recommendations
1075.1035	Order of the Commissioner
1075.1040	Rehearings
1075.1045	Existing Statutory or Agency Procedures and Practices
1075.1050	Costs of Hearing
1075.1055	Emergency Adjudication

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1075.1100	Applicability
1075.1105	Definitions
1075.1110	Mutual Holding Company Reorganizations
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## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

1075.1115	Prohibition Against Approval of Certain Applications for Reorganization
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1075.1125	Capital Stock (Repealed)
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1075.1135	Control (Repealed)
1075.1140	Eligible Account Holder (Repealed)
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1075.1155	Equity Security (Repealed)
1075.1160	Insured Institution (Repealed)
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1075.1170	Net Worth (Repealed)
1075.1175	Officer (Repealed)
1075.1180	Person (Repealed)
1075.1185	Qualifying Deposit (Repealed)
1075.1190	Sale (Repealed)
1075.1195	Security (Repealed)
1075.1200	Source Documents (Repealed)
1075.1205	Subsidiary (Repealed)
1075.1210	Liquidation Account and Proxies
1075.1215	Mutual Holding Company Ceasing to be a Depository Institution
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1075.1225	Stock Issuance Plan
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1075.1235	Stock Subsidiary Formation
1075.1240	Net Worth Maintenance Agreement (Repealed)
1075.1245	Members' Rights
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1075.1255	Notice Requirement/Corrective Action
1075.1260	Insider Abuses
1075.1265	Determination of the Qualification and Condition of an Out-of-State Acquisition
1075.1270	Acquisition and Disposal of Subsidiaries
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1075.1280	Officers and Directors List
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1075.1300	Notice of Appointment of Independent Accountants
1075.1305	Holding Company Filing Fees (Repealed)
1075.1310	Holding Company Supervisory Fees
1075.1315	Examination Fees
1075.1320	Conditions
1075.1325	Manner of Payment
1075.1330	Conversion of Mutual Holding Companies

## SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PROPOSED AMENDMENT

## ILLINOIS SAVINGS BANK

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 1075.1400 Scope of Rules  
 1075.1405 Definitions  
 1075.1410 General Rules for Conversion Plan  
 1075.1415 Adopting and Filing of a Conversion Plan (Repealed)  
 1075.1420 Conversion Plan Requirements (Repealed)  
 1075.1425 Vote by Shareholders and Members (Repealed)  
 1075.1430 Issuance of Certificate of Approval  
 1075.1435 Final Approval of the Conversion  
 1075.1440 Powers of Resulting Savings Bank  
 1075.1445 Obligations of Resulting Savings Bank  
 1075.1450 Directors of Resulting Savings Bank

## SUBPART L: SUPERVISION

Section  
 1075.1500 Sale of Offices, Facilities and Equipment  
 1075.1510 Purchase of Offices (Repealed)  
 1075.1520 Bridge Charters  
 1075.1530 Unsafe and Unsound Practices  
 1075.1540 Failure to Comply with Report of Examination  
 1075.1550 Publication

## SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRY-WIDE PROHIBITION

Section  
 1075.1600 Scope  
 1075.1610 Notice of Intention and Answer  
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## SUBPART N: ACQUISITION OF CONTROL OF A SAVINGS BANK

Section  
 1075.1700 Acquisition of Control of a Savings Bank  
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## SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section  
 1075.1800 Subpart Exclusive -- Prohibition on Conversion Without  
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1075.1815 Definitions  
 1075.1820 Prohibition on Approval of Certain Applications for Conversion  
 1075.1825 Requirements of Plan of Conversion  
 1075.1830 Issuance of Capital Stock -- Price  
 1075.1835 Stock Purchase Subscription Rights -- Eligible Account Holders  
 1075.1840 and their Associates -- Subordination  
 1075.1845 Supplemental Share Purchase Subscription Rights -- Supplemental  
 1075.1850 Eligible Account Holder -- Conditions  
 1075.1855 Voting Members Who Are Not Eligible Account Holders  
 1075.1860 Sale of Shares Not Sold in Subscription  
 1075.1865 Offering -- Methods -- Conditions  
 1075.1870 Uniform Sales Price of Shares Required -- Application to Specify  
 1075.1875 Arrangements on Sale of Shares Not Sold in Subscription Offering  
 1075.1880 Savings Account Holder to Receive Withdrawable Savings  
 1075.1885 Account(s) -- Amount  
 1075.1890 Liquidation Account -- Establishment and Maintenance Required  
 1075.1895 Establishment of Eligibility Record Date Required  
 1075.1900 Voting Rights  
 1075.1905 Amendment and Termination of Plan of Conversion  
 1075.1910 Restriction on Sale of Shares of Stock by Directors and Officers  
 1075.1915 Conditions on Shares of Stock Subject to Restriction on Sale  
 1075.1920 Registration of Securities -- Marketing of Securities -- Listing of  
 1075.1925 Shares on Securities Exchange or NASDAQ Quotation System  
 1075.1930 Reasonable Expenses Required  
 1075.1935 Employee Stock Benefit Plan -- Priority  
 1075.1940 Employee Stock Benefit Plan -- Contributions  
 1075.1945 Plan of Conversion -- Prohibited Provisions  
 1075.1950 Optional Provisions in Plan of Conversion  
 1075.1955 Approval of Other Provisions  
 1075.1960 Amount of Qualifying Deposit of Eligible Account Holder or  
 1075.1965 Supplemental Eligible Account Holder  
 1075.1970 Liquidation Account -- Establishment Required -- Amount -- Function  
 1075.1975 Liquidation Account -- Maintenance Required -- Subaccounts  
 1075.1980 Liquidation Account -- Distribution Upon Complete Liquidation  
 1075.1985 Liquidation Account -- Determination of Subaccount Balances  
 1075.1990 Reduction of Subaccount Balance  
 1075.1995 Converted Savings Bank Prohibited from Repurchasing its Stock  
 1075.2000 Without Approval  
 1075.2005 Limitation on Cash Dividends  
 1075.2010 Dividends on Preferred Stock  
 1075.2015 Prohibitions on Offer, Sale, or Purchase of Securities  
 1075.2020 Acquisitions of Control of a Converted Savings Bank  
 1075.2025 Articles of Incorporation -- Restrictions Permitted  
 1075.2030 Confidentiality of Consideration to Convert -- Remedial Measures  
 1075.2035 for Breach  
 1075.2040 Public Statement Authorized  
 1075.2045 Adoption of Plan of Conversion -- Notice to and Inspection by



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Account Holders -- Statement and Letter -- Press Release Authorized Statement, Letter and Press Release -- Content Permitted Statement, Letter and Press Release - Contents Prohibited -- Inquiries Notices of Filing of Application -- Requests for Subscription Offering Circular

1075.2010 Filing of Notice and Affidavit of Publication Required  
 1075.2015 Application Available for Public Inspection -- Confidential Information  
 1075.2020 Solicitation of Proxies; Proxy Statements  
 1075.2035 Vote by Members  
 1075.2040 Offers and Sales of Securities -- Prohibitions  
 1075.2045 Distribution of Offering Circulars Authorized  
 1075.2050 Preliminary Offering Circular for Subscription  
 1075.2055 Offering -- Estimated Subscription Price Range Required  
 1075.2060 Review of Price Information by Commissioner  
 1075.2065 Underwriting Commission  
 1075.2070 Consideration of Pricing Information by Applicant  
 1075.2075 Submission of Information -- Distribution of Order Forms for the  
 1075.2080 Purchase of Shares  
 1075.2085 Order Forms -- Final Offering Circular and Detailed Instructions  
 1075.2090 Subscription Price  
 1075.2095 Order Form -- Contents  
 1075.2100 Order Form -- Additional Provision Authorized -- Payment by Withdrawal  
 1075.2105 Time Period for Completion of Sale of all Shares of Capital Stock  
 1075.2110 Continuity of Corporate Existence  
 1075.2115 Application to Furnish Information  
 1075.2120 Additional Filing Requirements  
 1075.2125 Availability for Conferences in Advance of Filing of Application -- Refusal of Prefiling Review  
 1075.2130 Appeal from Refusal to Approve Application  
 1075.2135 Postconversion Reports  
 1075.2140 Certain Agreement to Transfer and Transfers of Ownership in Rights or Securities Prohibited  
 1075.2145 Certain Offers and Acquisitions on Securities Prohibited  
 1075.2150 Certain Offers and Acquisitions Prohibited  
 1075.2155 Definitions -- Certain Transfers, Offers and Acquisitions Prohibited  
 1075.2160 Amendments to Charter Required in Application -- Articles of Incorporation -- Filing of of Certificate  
 Required -- Contents -- Issuance and Filing of Authorization Certificate  
 1075.2165 Conversion Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company  
 Subsidiary -- Restriction on Sale of Shares of Stock by Directors and Officers

## OFFICE OF BANKS AND REAL ESTATE

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1075.2170 Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank - Undercapitalized Mutual Savings Bank  
 1075.2175 Conversion of a Savings Bank in Connection with the Formation of a Holding Company  
 1075.2200 Application -- Application Requirements  
 1075.2210 Application -- Filing the Application and Fees  
 1075.2220 Application -- Preparing the Application  
 1075.2230 Application -- Application Contents  
 1075.2240 Application -- Application Exhibits  
 1075.2300 Proxy Statement -- Information Required in Conversion Proxy Statement  
 1075.2310 Proxy Statement -- Notice of Meeting  
 1075.2320 Proxy Statement -- Revocability of Proxy  
 1075.2330 Proxy Statement -- Persons Making the Solicitations  
 1075.2340 Proxy Statement -- Voting Rights and Vote Required for Approval  
 1075.2350 Proxy Statement -- Directors and Executive Officers  
 1075.2360 Proxy Statement -- Management Remuneration  
 1075.2370 Proxy Statement -- Business of the Applicant  
 1075.2380 Proxy Statement -- Description of the Plan of Conversion  
 1075.2390 Proxy Statement -- Description of Capital Stock  
 1075.2400 Proxy Statement -- Capitalization  
 1075.2410 Proxy Statement -- Use of New Capital  
 1075.2420 Proxy Statement -- New Charter, Bylaws, or Other Documents  
 1075.2430 Proxy Statement -- Other Matters  
 1075.2440 Proxy Statement -- Financial Statements  
 1075.2450 Proxy Statement -- Consents of Experts and Reports  
 1075.2460 Proxy Statement -- Attachments  
 1075.2500 Offering Circular  
 1075.2510 Offering Circular -- Certain Manner of Presentation of Required Information Prohibited  
 1075.2520 Offering Circular -- Certain Named Persons -- Filing of Written Consent Required  
 1075.2530 Offering Circular -- Information Required  
 1075.2540 Offering Circular -- Additional Current Information Required  
 1075.2550 Offering Circular -- Statement Required in Offering Circulars  
 1075.2560 Offering Circular -- Preliminary Offering Circular  
 1075.2570 Offering Circular -- Information with Respect to Exercise of Subscription Rights  
 1075.2580 Offering Circular -- Information with Respect to Public Offering or Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at

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17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18 Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15474, effective October 31, 1995; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 6719, effective March 30, 1998; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: FILINGS

## Section 1075.141 Special Credit (Repealed)

The Commissioner shall issue a credit memorandum which each savings bank operating under the provisions of the Illinois Savings Bank Act (205 ILCS 205) may use to offset balances owed from the Supervisory Fee calculated in Section 1075.140 of this Part. The credit shall be calculated based on the total assets reported by each savings bank as of December 31, 1996 as follows: 2.25¢ per \$1,000 of the first \$2,000,000 of total assets; 2.025¢ per \$1,000 of the next \$3,000,000 of total assets; 1.80¢ per \$1,000 of the next \$5,000,000 of total assets; 1.575¢ per \$1,000 of the next \$15,000,000 of total assets; 1.35¢ per \$1,000 of the next \$25,000,000 of total assets; 1.125¢ per \$1,000 of the next \$50,000,000 of total assets; .90¢ per \$1,000 of the next \$400,000,000 of total assets; and .675¢ per \$1,000 of the total assets in excess of \$500,000,000 of such savings bank. In addition, the credit shall include a fixed amount of \$400.

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:  
113.157 Amendment  
113.260 Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.  
As a result of recent legislation, these proposed amendments increase the shelter care rates by \$91 per month per AABD client. The purpose of this increase is to help cover the cost of the care the client is receiving from the shelter care provider.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.141	Amendment	23 Ill. Reg. 37
113.253	Amendment	23 Ill. Reg. 3554
113.260	Amendment	23 Ill. Reg. 3554

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Shelter Care Facilities

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers:  
114.408  
Proposed Action:  
Amendment

4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

5) A Complete Description of the Subjects and Issues involved: These proposed amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Illinois Register on page 8063.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

<u>Section Numbers:</u>	<u>Proposed Action:</u>
112.101	Amendment
112.130	Amendment
112.307	Amendment
112.308	Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) A Complete Description of the Subjects and Issues involved: These proposed amendments align the determination of liability of stepparents, parents and sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of stepparents, parents and sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.

6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.78	Amendment	23 Ill. Reg. 5637
112.131	Amendment	23 Ill. Reg. 4586
112.134	Amendment	23 Ill. Reg. 4586
112.141	Amendment	23 Ill. Reg. 4586
112.155	Amendment	23 Ill. Reg. 4586
112.250	Amendment	23 Ill. Reg. 4586

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
217/785-9772

12) Initial Regulatory Flexibility Analysis:

1) Types of small businesses, small municipalities and not for profit corporations affected: None

2) Reporting, bookkeeping or other procedures required for compliance: None

3) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment that appears on page **8674** of this issue of the Illinois Register.

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: The Illinois Liquor Control Commission

2) Code Citation: 11 Ill. Adm. Code 100

3) Section Numbers:  
100.10  
100.400  
Proposed Action:  
Amendment  
Amendment

4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(2)] and Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999).

5) A Complete Description of the Subjects and Issues Involved: The emergency rules outline procedures to be followed for matters dealing with the Illinois Wine and Spirits Industry Fair Dealing Act, i.e. initiating a dispute resolution proceeding, response to application for dispute resolution, appearance, motions and petitions, preliminary relief, discovery and miscellaneous provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register by writing to:

Anne T. Treonis  
Legal Counsel  
Illinois Liquor Control Commission  
100 W. Randolph Ste. 5-300  
Chicago IL 60601  
(312) 814-2604

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules do not contain any new reporting requirements.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent regulatory agendas because: it addresses procedures to be followed in a newly enacted law.

The full text of the proposed amendments is identical to emergency amendments that are published on pages 889 in this issue of the Illinois Register.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Fees for Examination
- 2) Code Citation: 50 Ill. Adm. Code 2501
- 3) Section Numbers:  
     2501.10 Repealed  
     2501.20 Repealed  
     2501.30 Repealed
- 4) Statutory Authority: Implementing Sections 132, 401, 402 and 408 of the Illinois Insurance Code [215 ILCS 5/132, 401, 402 and 408] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is repealing Part 2501, Fees for Examination, because it has been replaced by 50 Ill. Adm. Code 2505.90 Financial Examination Expenses and Fees.
- 6) Will this proposed repealer replace an emergency rule currently in effect?  
     No
- 7) Does this repealer contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- |  |   |
|--|---|
| Chuck Feinen<br>Staff Attorney<br>Department of Insurance<br>320 West Washington<br>Springfield, Illinois 62767-0001<br>(217) 557-1396 | or<br>Caitlin Manning<br>Legal Division<br>Department of Insurance<br>320 West Washington<br>Springfield, Illinois 62767-0001<br>(217) 782-8216 |
|--|---|
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department of Insurance has determined that these proposed repealers will not affect small businesses.



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this repealer was summarized: January 1999

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED REPEALER

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER ee: FEES, CHARGES AND TAXES

## PART 2501

## FEES FOR EXAMINATION (REPEALED)

## Section

2501.10 Authority

2501.20 Per Diem Charges For Examiners

2501.30 Fees For Examiners Foreign Companies

AUTHORITY: Implementing Sections 132, 401, 402, and 408 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 744, 1013, 1014, 1020), and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

SOURCE: Adopted October 30, 1950; amended at 3 Ill. Reg. 15, p. 102, effective March 30, 1979; emergency amendment at 5 Ill. Reg. 12850, effective November 2, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 7070, effective May 27, 1982; codified at 7 Ill. Reg. 1051; amended at 12 Ill. Reg. 11751, effective July 1, 1988; repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2501.10 Authority

This Rule is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013), which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. This part implements Sections 132, 401, 402, and 408 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 744, 1013, 1014, 1020).

## Section 2501.20 Per Diem Charges For Examiners

The per diem charges to domestic companies under financial examination will be two hundred twenty-five dollars (\$225.00) per examiner, and the per diem charges to all companies under performance examination will be one hundred seventy-five dollars (\$175.00) per examiner, plus each examiner's travel expense, as allowed under the State of Illinois Travel Regulations.

(Source: Amended at 12 Ill. Reg. 11751, effective July 1, 1988)

## Section 2501.30 Fees For Examiners Foreign Companies

Fees for financial examiners in connection with examination of foreign insurance companies will be charged in accordance with the rules and regulations of the National Association of Insurance Commissioners.

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:  
148.120 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules regarding hospital services add technical changes to provide clarifications on disproportionate share hospital (DSH) payment adjustments. The Department makes DSH adjustment payments to hospitals that are deemed as disproportionate share on the basis of criteria relating to Medicaid inpatient utilization, low income utilization for all patient (Medicaid) services, or recognition as a children's hospital. These proposed changes to Section 148.120 addressing DSH adjustments provide several technical clarifications concerning the methodology for determining DSH adjustment limitations. The changes specify that, for DSH purposes, the determination of costs associated with providing services to Medicaid clients and persons without insurance must be calculated in accordance with federal upper payment limit requirements. This new language is intended to more clearly describe the Department's procedures and will not result in any methodology changes or budgetary impact.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.140	Amendment	July 2, 1999 (23 Ill. Reg. 7475)
148.140	Amendment	July 16, 1999 (23 Ill. Reg. 7840)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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Joanne Jones, Bureau of Rules  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals that qualify for Disproportionate Share Hospital (DSH) adjustments will be affected by this proposed rulemaking.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rule was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

- Section  
148.10 Hospital Services  
148.20 Participation  
148.25 Definitions and Applicability  
148.30 General Requirements  
148.40 Special Requirements  
148.50 Covered Hospital Services  
148.60 Services Not Covered as Hospital Services  
148.70 Limitation On Hospital Services  
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)  
148.82 Organ Transplant Services  
148.90 Heart Transplants (Repealed)  
148.100 Liver Transplants (Repealed)  
148.110 Bone Marrow Transplants (Repealed)  
148.120 Disproportionate Share Hospital (DSH) Adjustments  
148.130 Outlier Adjustments for Exceptionally Costly Stays  
148.140 Hospital Outpatient and Clinic Services  
148.150 Public Law 103-66 Requirements  
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million  
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act  
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act  
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting  
148.190 Copayments  
148.200 Alternate Reimbursement Systems  
148.210 Filing Cost Reports  
148.220 Pre September 1, 1991 Admissions  
148.230 Admissions Occurring on or after September 1, 1991  
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements  
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals  
148.260 Calculation and Definitions of Inpatient Per Diem Rates  
148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals  
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements  
148.285 Excellence in Academic Medicine Payments

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- 148.290 Adjustments and Reductions to Total Payments  
148.295 Critical Hospital Adjustment Payment (CHAP)  
148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)  
148.297 Pediatric Outpatient Adjustment Payments  
148.298 Pediatric Inpatient Adjustment Payments  
148.300 Payment  
148.310 Review Procedure  
148.320 Alternatives  
148.330 Exemptions  
148.340 Subacute Alcoholism and Substance Abuse Treatment Services  
148.350 Definitions  
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services  
148.368 Volume Adjustment (Repealed)  
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services  
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services  
148.390 Hearings  
148.400 Special Hospital Reporting Requirements
- AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended

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at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amendment at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 148.120 Disproportionate Share Hospital (DSH) Adjustments

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 1993, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 1993, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 1993, the Department shall make adjustment payments to hospitals which are deemed as disproportionate share by the Department. A hospital may qualify for

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- a DSH adjustment in one of the following ways:
  - 1) The hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, is at least one half standard deviation above the mean Medicaid utilization rate, as defined in subsection (k)(3) of this Section.
  - 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance), Aid to the Medically Indigent (AMI) and/or any local or State state government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for GA and AMI inpatient hospital services, and/or any local or State state government-funded care) must be added.
  - 3) Illinois hospitals that, on July 1, 1991, had a Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, that was at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(3) of this Section, and which were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5, 1989).
- 4) Illinois hospitals that:
  - A) Have a Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, which is at least the mean Medicaid inpatient utilization rate, as defined in subsection (k)(3) of this Section, and
  - B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(6) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (k)(4) of this Section.
- 5) Any children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3).

- b) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least 2 obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 22, 1987. Hospitals



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that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.

- c) In making the determination described in subsections (a)(1) and (a)(4)(A) above, the Department shall utilize:

1) The hospital's final audited cost report for the hospital's base fiscal year. Medicaid inpatient utilization rates, as defined in subsection (k)(5) of this Section, which have been derived from final audited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation.

2) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsections (a)(1) and (a)(4)(A) above. Submittal of a corrected cost report in support of subsections (a)(1) and (a)(4)(A) above must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's Medicaid inpatient utilization rate as described in subsection (k)(5) of this Section.

A) Hospital's Medicaid inpatient utilization rates, as defined in subsection (k)(5) of this Section, which have been derived from unaudited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsection (c)(2) above, hospitals shall have the opportunity to submit corrected cost report information prior to the Department's final DSH determination.

B) In the event a subsequent final audited cost report reflects a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report utilized for the DSH determination, the Department shall recalculate the Medicaid inpatient utilization rate based upon the final audited cost report, and recoup any overpayments made.

3) Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, hospital residing long term care days, and Medicaid days for alcohol and substance abuse rehabilitative

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care under category of service 35. To obtain Medicaid utilization levels in these instances, the Department shall utilize:

- A) Medicare/Medicaid Crossover Claims.

i) For DSH determination years on or after October 1, 1996, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.

ii) For DSH determination years prior to October 1, 1996, hospitals may submit additional information to document Medicare/Medicaid crossover days that were not billed to the Department due to a determination that the Department had no liability for deductible or coinsurance amounts. That information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. That log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.

B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.

C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.

D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination

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year for each hospital's base fiscal year to determine the number of hospital residing long term care days provided to recipients.

E) Alcohol and Substance Abuse Days. The Department will utilize its paid claims data under category of service 35 available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided for alcohol and substance abuse rehabilitative care.

d) Hospitals may apply for DSH status under subsection (a)(2) of this Section by submitting an audited certified financial statement for the hospital's base fiscal year. The Department of Human Services must submit a statement, signed by the Director of that agency, certifying the accuracy of the data submitted for facilities operated by that agency. The statements must contain the following breakdown of information prior to submittal to the Department for consideration:

- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance, and AMI patients), for the hospital's base fiscal year.
- 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.

e) With the exception of cost-reporting children's hospitals in contiguous states that provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in Section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section and as required in Section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the Medicaid inpatient utilization rate from their state may submit an audited certified financial statement as describe in subsection (d) above. Payments to out-of-state hospitals will be allocated using the same method as described in subsection (g) of this Section.

f) Time Limitation Requirements for Additional Information.

- 1) The information required in subsections (a)(2), (c), (d) and (e)

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of this Section must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such information for the determination of DSH qualification. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.

2) The information required in subsection (b) of this Section must be received within 30 calendar days after receipt of notification from the Department that the information must be submitted. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.

g) Inpatient Payment Adjustments to DSH Hospitals. The adjustment payments required by subsection (a) above shall be calculated annually as follows:

- 1) Five Million Dollar Fund Adjustment for hospitals defined in Section 148.25(b)(1).

A) Hospitals qualifying as DSH hospitals under subsection (a)(1) of this Section that have a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, as described in subsection (k)(3) of this Section, and hospitals qualifying as DSH hospitals under subsection (a)(2) of this Section will receive an add-on payment to their inpatient rate.

B) The distribution method for the add-on payment described in subsection (g)(1)(A) above is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) above will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.

C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (k)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, above in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's Medicaid inpatient utilization rate, as described in subsection (k)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the



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State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.

- D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) above, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) above, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at per day add-on value. Hospitals qualifying under subsection (a)(2) of this Section, will receive the minimum adjustment of \$5 per inpatient day. The adjustments calculated under this subsection are subject to the limitations described in subsection (j) of this Section.
- 2) Medicaid Percentage Adjustment for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(b)(1)(A).

- A) In addition to the adjustment methodology described in subsection (g)(1) above, all DSH hospitals described in subsections (a)(1), (2), (3), (4), and (5) of this Section shall receive a payment adjustment which shall be calculated annually as follows:

- B) The payment adjustment shall be calculated based upon the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) of this Section, and subject to subsections (h) and (i) below, as follows:

- i) Hospitals with a Medicaid inpatient utilization rate below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
- ii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds the mean Medicaid inpatient utilization rate;
- iii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than one standard

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deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

iv) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.

- C) For a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), the amount calculated pursuant to subsection (g)(2)(B) above shall be increased by \$60 per day.

- D) The Medicaid percentage adjustment payment, calculated in accordance with this subsection (g)(2), to a hospital, other than a hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as described in subsection (a)(5) of this Section, and shall not exceed \$215 per day for all other hospitals.

- E) The amount calculated pursuant to subsections (g)(2)(B) through (g)(2)(D) above shall be adjusted on October 1, 1993, and annually thereafter by a percentage equal to the lesser of:

- i) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or
- ii) The percentage increase in the statewide average hospital payment rate, as described in subsection (k)(8) of this Section, over the previous year's statewide average hospital payment rate.

- F) The amount calculated pursuant to subsection (g)(1) above for hospitals described in Section 148.25(b)(1)(A) shall be no less than the DSH rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the

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total allowable Medicaid costs by the total allowable Medicaid days.

- G) The amount calculated pursuant to subsections (g)(1) and (g)(2)(B) through (g)(2)(E) above, as adjusted pursuant to subsections (h) and (i) below, shall be the inpatient payment adjustment in dollars for the applicable DSH determination year, subject to the limitations described in subsections (g)(2)(D) and (j) of this Section, and the adjustment described in subsection (g)(2)(F) above. The adjustments calculated under subsections (g)(1) and (g)(2)(B) through (g)(2)(F) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- 3) Department of Human Services (DHS) State-Operated Facility Adjustment for hospitals defined in Section 148.25(b)(6). Department of Human Services State-operated facilities qualifying under subsection (a)(2) of this Section shall receive an adjustment for inpatient services provided on or after March 1, 1995. The amount of that payment shall be calculated as follows:

- A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be calculated by subtracting the estimated DSH payment adjustments made under subsection (g)(1) through (g)(2) above and Section 148.170(f)(2) from the aggregate DSH payment adjustment set by the Health Care Financing Administration (HCFA) in accordance with Public Law 102-234.

- B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of Medicaid inpatient utilization (adjusted based upon historical utilization and projected increases in utilization) to the sum of all qualifying hospitals' Medicaid inpatient utilization.

- C) The adjustment calculated in (g)(3)(B) above shall meet the limitation described in subsection (j)(4) below.

- D) The adjustment calculated pursuant to subsection (g)(3)(B) above, for each hospital defined in Section 148.25(b)(6) that qualifies for DSH adjustments, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day adjustment. This amount is subject to the limitations described in subsection (j) of this Section. The adjustment described in this subsection shall be paid on a per diem basis and shall be applied to each Medicaid covered day of care provided.

- h) Inpatient Adjustor for Children's Hospitals. For a children's hospital, as defined in subsection (a)(5) of this Section, the payment adjustment calculated under subsection (g)(2) above shall be

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multiplied by 2.0.

- i) Inpatient Adjustor for Hospitals Organized Under the University of Illinois Hospital Act. For a hospital and/or hospitals organized under the University of Illinois Hospital Act, as defined in Section 148.25(b)(1)(B), the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 1.50.

- j) DSH Adjustment Limitations.

- 1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the DSH determination year, the hospital discontinues the provision of non-emergency obstetrical care (the provisions of this subsection shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered non-emergency obstetric services as of December 22, 1987). In this instance, the adjustments calculated under subsections (g)(1) and (g)(2) shall cease effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.

- 2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of their eligibility for DSH payment adjustments based upon the requirements of this Section.

- 3) DSH Payment Adjustment. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section do not meet the State's final DSH Allotment as determined by the Health Care Financing Administration (HCFA), DSH payment adjustments calculated under this Section shall be adjusted to meet the State DSH Allotment. This adjustment shall first be applied to DSH payments made under subsection (g)(3) above. If further adjustments are necessary, then DSH payments made under subsection (g)(2) above shall be adjusted, with the DSH payments under subsection (g)(1) of this Section being adjusted last.

- 4) Omnibus Budget Reconciliation Act of 1993 (OBRA '93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of estimated Medicaid payments (inpatient, outpatient, and disproportionate share) made to a hospital exceed the costs, as calculated in accordance with federal upper payment limit requirements, of providing services to Medicaid clients and persons without insurance. The adjustments shall reduce disproportionate share spending until the costs and spending (described in the previous sentence) are equal or until the



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disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.

- 5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's Medicaid inpatient utilization rate, as defined in subsection (k)(5) below, is less than one percent.

k) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:

- 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993 DSH determination year, the hospital's fiscal year ending in 1992 for the October 1, 1994, DSH determination year, etc.

- 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

- 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this subsection (k)(3), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 4) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(7) below, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(9) below, for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department

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through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 5) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this subsection (k)(5), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 6) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (k)(7) below, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (k)(9) below provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 7) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

- 8) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).

- 9) "Total Medicaid (Title XIX) inpatient days", as referred to in

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subsections (k)(4) and (k)(6) above, means hospital inpatient days, excluding days for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.

- 10) "Medicaid obstetrical inpatient utilization rate base year" means, for example, fiscal year 1992 for the October 1, 1993, DSH determination year; fiscal year 1993 for the October 1, 1994, DSH determination year, etc.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:  
140.24 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments address the Department's rules on payment procedures for providers of medical services who are enrolled in the Illinois Medical Assistance Program. Changes are being made to redefine policy on designation of a payee for such services.

The proposed amendments provide clarifications regarding providers who can, and cannot, designate an alternate payee. Providers enrolled as business entities are limited to one payee that can be the corporate or partnership name. The proposed changes provide a definition as to the meaning of "business entity". Providers enrolled as individual practitioners are permitted to have more than one payee. The proposed changes define "individual practitioner" and provide a listing of acceptable payee categories.

No budgetary changes will result for the Department or providers on the basis of these proposed amendments.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140.5	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140.420	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140.421	Amendment	June 25, 1999 (23 Ill. Reg. 7198)
140.461	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.462	Amendment	January 4, 1999 (23 Ill. Reg. 128)
140.463	Amendment	April 9, 1999 (23 Ill. Reg. 4203)
140.466	Amendment	April 9, 1999 (23 Ill. Reg. 4203)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not



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affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of medical services who are enrolled in the Illinois Medical Assistance Program will be affected by this rulemaking. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rule was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the most recent

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regulatory agendas were published.

The full text of the proposed amendments begins on the next page:

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 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
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 140.117 Hospital Outpatient and Clinic Services (Recodified)  
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TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

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at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections



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140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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effective \_\_\_\_\_.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. ~~Payments-for-services rendered-by-medical-providers-will-only-be-mailed-to:~~
- b) All providers of medical services must designate a payee when enrolling in the Illinois Medical Assistance Program.
- 1) Providers enrolled as business entities are limited to one payee. A business entity is defined as any firm, corporation, partnership, agency, institution or other legal organization organized for the purpose of providing medically related professional services. A provider enrolled as a business entity may designate the corporate or partnership name as the payee. The mailing address for the payee must be the provider's service address or the designated address of the corporate or partnership office.
- 2) Providers enrolled as individual practitioners are allowed to have more than one payee. An individual practitioner is defined as an individual person licensed by an authorized State agency to provide medical services. Payment may be mailed to an individual practitioner at one of the following:
- A) The provider's service address; or
- B) The provider's (individual) residence; or
- C) The provider's designated alternate address; or
- D) The address of the provider's designated alternate payee pursuant to subsection (d) of this Section (e); or
- E) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- C) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. After approval is given, the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- d) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:
- 1) The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.
  - 2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.
  - 3) The medical practitioner is employed by a practitioner who

maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 2108, effective December 1, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_,



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requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD  
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- 1) Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 300
- 3) Section Numbers: Proposed Action:  
300.40 Amendment  
300.60 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of the amendments to Sections 20.1 and 26(h) of the Act which in part removes the limitations on advanced wagering and the Board's authority to regulate pari-mutuel wager prices. These amendments remove language contradictory to the Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes.  
Emergency amendments published at 23 Ill. Reg. 7772.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  
  
Daniel Fitzgerald, General Counsel  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-2600
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment to the Illinois Horse Racing Act and was not summarized in a regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER a: GENERAL RULES

PART 300  
 PARI-MUTUELS

Section	
300.10	General
300.20	Records
300.30	Pari-Mutuel Tickets
300.40	Pari-Mutuel Wagers
300.50	Pari-Mutuel Races
300.60	Advanced Wagering
300.70	Scratches or Non-Starter
300.80	Pools Dependent Upon Betting Interests
300.90	Minimum Payoff
300.100	Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 7044, effective May 1, 1998; emergency amendment at 23 Ill. Reg. 7772, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 300.40 Pari-Mutuel Wagers

- a) ~~The minimum pari-mutuel wager for a win, place or show shall be \$2 unless otherwise approved by the Board. The minimum pari-mutuel wager for all other pools shall not exceed \$3, nor be less than \$1, unless otherwise approved by the Board.~~
- a) ~~b)~~ All organization, intertrack and intertrack wagering location licensees shall offer the same types of pari-mutuel pools and minimum pari-mutuel prices at both manned and unmanned terminals, unless specifically restricted by Board rule (e.g., tickets may not be exchanged at unmanned ticket issuing machines).
- b) ~~c)~~ All intertrack wagering facilities shall establish and maintain minimum purchase prices of pari-mutuel wagers that are the same as those offered by the organization licensee providing the simulcast.
- c) ~~d)~~ All organization licensees shall require out-of-state wagering facilities to maintain the same minimum purchase prices of pari-mutuel wagers established for Illinois licensees. If it is determined that

## ILLINOIS RACING BOARD

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an out-of-state wagering facility has not maintained the same minimum purchase price of pari-mutuel wagers, the organization licensee shall be subject to civil penalties pursuant to Section 5/9(1) of the Act [230 ILCS 5/9(1)]. This Section shall apply only to organization licensees conducting commingled or combined wagering pools with out-of-state wagering facilities.

d) All intertrack wagering facilities shall offer the same pari-mutuel pools as offered by the organization providing the simulcast.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.60 Advanced Wagering**

a) A licensee may permit advanced wagering on races **up-to-two-days** prior to the day the race occurs.

b) The host track and/or organization licensee shall submit to the State Pari-Mutuel Auditor a totalizator system report reflecting any advanced wagers from previous days to be added to that day's pari-mutuel pools.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Race Track Improvement Fund

2) Code Citation: 11 Ill. Adm. Code 404

<u>Section Numbers:</u>	<u>Proposed Action:</u>
404.10	Repeal
404.20	Repeal
404.30	Repeal
404.40	Repeal
404.50	Repeal
404.60	Repeal
404.70	Repeal
404.80	Repeal
404.90	Repeal
404.100	Repeal
404.110	Repeal
404.200	Repeal

4) Statutory Authority: 230 ILCS 5/9(b)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals all provisions regarding the Race Track Improvement Fund. The amendment to Section 26.1 of the Act which will be effective January 1, 2000, authorizes licensees to retain all breakage, thereby eliminating the Race Track Improvement Fund. This rulemaking will be adopted with a January 1, 2000 effective date.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Daniel Fitzgerald  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-2600



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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rulemaking was not anticipated and did not appear in a regulatory agenda.

The full text of the Proposed Repealer begins on the next page:

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## NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 404

## RACE TRACK IMPROVEMENT FUND (Repealed)

## Section

404.10 Definitions  
404.20 Contents of Application  
404.30 Application for Project Approval  
404.40 Licensed Architect or Engineer  
404.50 Payments  
404.60 Contents of Request  
404.70 Periodic Payments  
404.80 Ordinary Repairs and Maintenance  
404.90 Amortization of Debt  
404.100 Separate Approval  
404.110 Disclosure  
404.200 Demolition, Construction, Alteration or Addition to Race Track

AUTHORITY: Implementing and authorized by Sections 9(b) and 32(e) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, pars. 37-9(b) and 37-32(e)).

SOURCE: Adopted at 4 Ill. Reg. 29, p. 284, effective July 10, 1980; codified at 5 Ill. Reg. 10884; amended at 13 Ill. Reg. 7440, effective April 21, 1989; repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 404.10 Definitions

For the purposes of these rules only:

- a) "Applicant" means an organization licensee.
- b) "Application" means an original written request to the Board, on a form prescribed and furnished by the Board, for approval of a project as coming within the purview of the Illinois Race Track Improvement Fund.
- c) "Fund" means the Illinois Race Track Improvement Fund.
- d) "Monies to be distributed from the Fund" means:
  - 1) amounts expended at a race track for new buildings to be used in the operation of such race track or for permanent improvements or betterments made to increase the value of the race track property.
  - 2) amounts expended for the required restoration of depreciated property used in the operation of a race track.
  - 3) in general, amounts included in 1 and 2 above include the amounts paid or incurred to:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- A) add to the value of the race track property, or
- B) substantially prolong the useful life of such property, or
- C) adapt such property to a new and different use in connection with the operation of a race track.
- e) "request for payment" means a written request to the Board made on a form prescribed and furnished by the Board for payment from the Fund.

**Section 404.20 Contents of Application**

Applications shall contain at least the following information:

- a) name of organization licensee and race track;
- b) details of the proposed project and the estimated costs;
- c) copies of all contracts or written estimates in connection with such projects;
- d) a description of actual or proposed financing, including copies of all documents;
- e) where appropriate, a payment schedule supported by a work schedule; and
- f) A statement by an officer or director, under oath, setting forth at least three competitive bids submitted to the applicant for the project for which approval is sought, and copies of such bids. If three bids have not been obtained the statement must set forth the reasons why three bids could not be obtained.

**Section 404.30 Application for Project Approval**

If an application for project approval contains all necessary documentation, and if the application is for a project coming within the definition of monies to be distributed from the Fund or is for the payment of the cost of amortization of debt for such project, the Board will consider and approve the application.

**Section 404.40 Licensed Architect or Engineer**

The plans and specifications for construction and improvement projects of \$100,000 or more shall be prepared by a licensed architect or licensed engineer or such other person as may be approved by the Board. The Illinois Racing Board recognizes that the nature of specific projects may dictate that the above guidelines be either waived or lowered. In such cases the Board reserves the right to determine whether the services of a supervising architect or engineer are required.

**Section 404.50 Payments**

After initial approval of the application, monies in the Illinois Race Track Improvement Fund credited to an organization licensee shall be distributed, in whole or in part, to the organization licensee upon order of the Illinois Racing Board to the State Treasurer.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 404.60 Contents of Request**

Requests for payment shall contain at least the following information:

- a) A true and correct statement under oath, by the contractor, setting forth the names of all contractors, subcontractors, material men, and any person, firm or corporation who is to furnish labor and/or materials, the nature of the work to be done and the amount to be paid therefore, pursuant to the Mechanic Lien Laws of the State of Illinois.
- b) Waivers of Lien, partial or final, including waivers from each subcontractor or dealer shown in the contractor's affidavit to be furnished.
- c) Evidence of payment as verified by cancelled checks.

**Section 404.70 Periodic Payments**

Retentions provided for within the contract entered into for the performance of the work shall be withheld from periodic payment and ordered paid by the Board to the organization licensee, upon satisfactory completion of the improvement to be made.

**Section 404.80 Ordinary Repairs and Maintenance**

The Board will not approve applications or requests for amounts paid or incurred for ordinary repairs and maintenance.

**Section 404.90 Amortization of Debt**

The Board will not consider requests for payment of the cost of amortization of debt unless the applicant has received approval from the Board, at a Board meeting, prior to incurring the debt.

**Section 404.100 Separate Approval**

Board approval pursuant to Rule B4.20 (11 Ill. Adm. Code Section 404.200) shall not constitute approval of a project as falling within the purview of the Fund.

**Section 404.110 Disclosure**

In the following circumstances, the Board may require disclosure of the legal and beneficial owners of vendors and/or contractors:

- a) In the event that it appears that a vendor and/or contractor is owned by
  - 1) a stockholder or official of an organization licensee or
  - 2) a public official as defined in paragraph 3.15 of the Act, or
- b) If the projected cost or actual cost of a project appears excessive or otherwise of a suspicious nature.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 404.200 Demolition, Construction, Alteration or Addition to Race Track**

- a) Before demolition of any building or demolition of any other structure (provided the cost of such structure's demolition exceeds \$10,000) and before construction, alteration of, or addition to (provided the cost of such alteration or addition is in excess of \$250,000) the buildings or other structures on the grounds used, or to be used, by a race track operator to conduct a meeting with pari-mutuel wagering, the organization licensee or the owner of the premises, as the case may be, shall file with the Board a description thereof with appropriate plans and specifications and an estimate of the cost thereof.
- b) If the Board shall determine that the location, construction or design of such structures is not suitable for the efficient conduct of pari-mutuel wagering, or of racing, or the health, safety, and welfare of backstretch personnel or horses, the Board shall advise, in reasonable detail, the race track operator, or the owner of the premises, of the basis for such determination. The Board may retain an independent architect to advise it with respect to any such construction, alteration or addition.
- c) Such demolition, construction, alteration or addition shall not be accomplished without the Board's approval at a Board meeting.
- d) The Board may, in its discretion, deny or revoke a license to conduct a racing meet, and/or impose a civil penalty, for violation of this Section. When imposing a penalty, the Board shall consider all relevant factors, including but not limited to, the severity of the violation of the rule and its relation to the efficient conduct of pari-mutuel wagering, the health, safety, and welfare of the public and of backstretch personnel and horses. The Board shall also consider the number of prior rule violations by the organization licensee.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Race Track Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Numbers: 1305.380  
Proposed Action: New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of the amendment to Sections 20.1 which allows an organization licensee to change its hours of operation upon notice to the Board. This Section establishes written notification and filing requirements.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes  
Emergency amendments published at 23 Ill. Reg. 7776.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice to:

Daniel Fitzgerald, General Counsel  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312)814-2600

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment to the Illinois Horse Racing Act and was not summarized in a regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

## PART 1305

## RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judge's Stand
1305.190	Driver's Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System
1305.320	Admissions
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change in Hours of Operation

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1305.380 Notification of Change in Hours of Operation

Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Numbers: Proposed Action:  
1424.360 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is a result of the amendment to Section 20.1 which allows an organization licensee to change its hours of operation upon notice to the Board. This Section establishes written notification and filing requirements.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, published at 23 Ill. Reg. 7779.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice to:  
  
Daniel Fitzgerald, General Counsel  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
312/814-2600
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment to the Illinois Horse Racing Act and was not summarized in a regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBREED)

## PART 1424

## REGULATIONS FOR MEETINGS

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	Admissions to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1424.355 Stall Availability Prior to Meet  
 1424.360 Notification of Change in Hours of Operation

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

**SOURCE:** Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1424.360 Notification of Change in Hours of Operation**

Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Property Tax Code  
 2) Code Citation: 86 Ill. Adm. Code 110  
 3) Section Numbers: Proposed Action:  
 110.125 Amendment  
 4) Statutory Authority: 35 ILCS 200  
 5) A Complete Description of the Subjects and Issues Involved: This rulemaking strikes subsection (a)(6). The Department no longer uses Form No. PTAX-255-CAP to capture statistical data on the Property Tax Extension Limitation Law. Consequently, this form is being eliminated from the list of reports submitted by county clerks on an annual basis to the Department.  
 6) Will this proposed rule replace an emergency rule currently in effect? No  
 7) Does this rulemaking contain an automatic repeal date? No  
 8) Does this proposed rule contain incorporations by reference? No  
 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Jerry Lanter  
 Counsel for Property Tax  
 Illinois Department of Revenue  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Phone: (217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on which this rulemaking was summarized: July 1999  
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 110  
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.115	Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Records of County Assessor, Supervisor of Assessments or Board of Assessors
110.135	Review of Assessments - Counties of 1,000,000 or More
110.140	Board of Review Procedures and Records - Counties of Less than 1,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure
110.150	Records Reproduction
110.155	Appointment of Board of Review Members After Examination
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Supervisor of Assessments
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 39b35 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b35].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285, effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 110.125 Reports to be Filed with the Department

a) County Clerks shall transmit annually to the Department the following statements within 30 days after the date when the collector's books are completed:

- 1) Summary abstracts of valuations, levies, rates and extensions of taxes in their respective counties on Form No. PTAX-250.
- 2) Abstracts of valuation, levies, rates and extensions of taxes for tax districts in their respective counties on Form Nos. PTAX-251, PTAX-252, PTAX-253 and PTAX-254.
- 3) Abstract of aggregate tax increment equalized assessed valuation (current EAV less the initial EAV of the area), rates, extensions, initial equalized assessed valuation, tax increment financing extension that is based on parcel by parcel distribution and names of taxing districts in Tax Increment Allocation Financing Redevelopment Project Area, on Form No. PTAX-251-TIF.
- 4) Abstracts of abatements, number and types of parcels and taxing districts for general abatements of taxes on Form No. PTAX-255-TA.
- 5) Abstracts of valuations removed from rate calculation, rates, amounts of taxes abated, number and types of parcels and taxing districts for enterprise zones on Form No. PTAX-255-EZA.
- 6) Summary of equalized assessed valuations of new property, rate adjustments, rates and dollar loss for taxing districts subject to the Property Tax Extension Limitation Act, 135 ILCS 200/Art. 18, Div. 5, on Form No. PTAX-255-GAP.
- 7) Report of the names of new taxing districts in the county, the name of the home county for each new taxing district and the names of any overlapping counties for each new district on Form No. PTAX-256.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- b) County clerks shall also transmit to the Department the following statements:
- 1) Abstracts of property assessments in their respective counties within 30 days after receipt of assessment books from a Board of Review or Board of Appeals on Form No. PTAX-260-A.
  - 2) The creation of new and the dissolution of old taxing districts and all changes in boundaries of existing districts shall be reported within 30 days after any such creation, dissolution or change becoming effective on Form No. PTAX-270.
  - 3) Report of original equalized assessed valuations and equalized assessed valuation changes for school districts due to Property Tax Appeal Board decisions on Form No. PTAX-610 by April 30.
  - 4) Report of any alterations to the taxing districts that make up each aggregate rate within the county as identified on the aggregate listing on the Department's PTA 205-10 report.
  - 5) In counties with 3,000,000 or more inhabitants, an annual list of the additional equalized assessed valuation loss to schools due to the increase in the amount of the Senior Citizens Homestead Exemption and the General Homestead Exemption as required by 105 ILCS 5/18-8 by April 1.
  - 6) Within 30 days after receipt of a request by the Department, certification of the portion of prior year equalized assessed values of overlapping taxing districts in each township on Form No. PTAX-292.
  - c) Boards of Review in counties of fewer than 3,000,000 inhabitants shall transmit annually to the Department reports of equalization of the various assessment districts and reclassification of property in their respective counties within 10 days after adjournment on Form Nos. PTAX-204 and 204-R.
  - d) County Treasurers shall annually, during the month of December, transmit to the Department abstracts of taxes collected, protested, delinquent and the net collections available for distribution in their respective counties on Form No. PTAX-255.
  - e) Chief County Assessment Officers shall transmit annually to the Department:
    - 1) Abstracts of local assessments of non-carrier real estate owned by a railroad company on Form No. PTAX-538.
    - 2) Abstracts of property assessments and reclassification of property prior to action by a Board of Review or Board of Appeals within 30 days after returning the county assessment books for the entire county to the Board of Review or Board of Appeals on Form Nos. PTAX-280-A and 280-R.
    - 3) In counties of fewer than 3,000,000 inhabitants, reports of equalization of assessments, within 10 days after he or she presents the verified assessment books to the Board of Review, on Form No. PTAX-204-S/A.
    - 4) Reports of non-farm parcels which have a final assessed value for the year exceeding \$999,999 on Form No. PTAX-282.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section numbers: 3040.470  
Adopted Action:  
New section
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320] and the Illinois Literacy Act [15 ILCS 322]
- 5) Effective Date of Amendments: July 13, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal published in Illinois Register: April 2, 1999, 23 Ill. Reg. 3931
- 10) Has JC&R issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The following substantive changes were made:

In Section 3040.470(a)(2)(D), "Proposed budget is reasonable in view of the proposed goals" was changed to "Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives".

In Section 3040.470, new text provides that criteria for application shall be available by March 1st and applications shall be submitted to the State Library on or before April 30th.

In Section 3040.470(a)(2)(A), changed "Overall project goals and objectives;" to "How the applicant identifies and addresses the at-risk population to be served".

In Section 3040.470(a)(2)(B), changed "Methods used to achieve the stated goals and objectives;" to "How the learning activities involve both parent and child in interactive learning experiences".

In Section 3040.470(a)(2), added "E) How libraries are involved in learning activities".

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

In Section 3040.470(a), added "5) At risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension and communication preclude them from functioning effectively in their lives."

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this amendment replace an emergency amendment currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: Criteria for the award of new grants in memory of the late state Senator Penny Severns are established.

16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Bloomberg  
Associate Director for Communications & Planning  
Illinois State Library  
300 S. Second Street  
Springfield, IL 62701-1796  
217/785-0052  
217/782-8261 (fax)  
kbloom@library.sos.state.il.us

The full text of the adopted amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATE

PART 3040  
LITERACY GRANT PROGRAM

## SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application for Grant
3040.120	Review of Grant Applications
3040.130	Award of Grants and Recordkeeping
3040.140	Cancellation of Grant
3040.150	Fiscal Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

## SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application for Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Financial Reports, and Program Progress Reports
3040.240	Cancellation of Grant
3040.250	Other Requirements
3040.260	Invalidity
3040.270	

## SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
3040.300	Definitions
3040.310	Eligible Applicants
3040.320	Grant Applications
3040.330	

## SUBPART D: SPECIAL GRANT PROGRAMS

Section	Purpose
3040.400	Making Work Pay Grant Program
3040.450	New Chapters Grant Program
3040.470	Penny Severns' Early Childhood Reading Program Centers Grant Program

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320]

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and the Illinois Literacy Act [15 ILCS 322].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10, 1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective April 9, 1996; amended at 21 Ill. Reg. 2408, effective February 3, 1997; amended at 21 Ill. Reg. 11767, effective August 11, 1997; amended at 23 Ill. Reg. 2402, effective January 22, 1999; amended at 23 Ill. Reg. 2574, effective January 26, 1999; emergency amendment at 23 Ill. Reg. 4115, effective March 18, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8645, effective JUL 13 1999.

## SUBPART D: SPECIAL GRANT PROGRAMS

## Section 3040.470 Penny Severns' Early Childhood Reading Program Centers Grant Program

## a) Competitive grants

1) Application requirements, including criteria, for the Penny Severns' Early Childhood Reading Program Centers shall be made available by the State Librarian no later than March 1 for the current year. Applications shall be submitted to the Illinois State Library on or before April 30. The State Librarian shall disqualify applications that are untimely filed or those that are not submitted on the prescribed forms.

2) Applications shall be reviewed by the State Librarian or designee. The decision of the State Librarian is final. Review criteria includes, but is not limited to, a review of:

- A) How the applicant identifies and addresses the at-risk population to be served;
  - B) How the learning activities involve both parent and child in interactive learning experiences;
  - C) Number of people to be served;
  - D) Reasonableness of the budget in relation to the goals and objectives. Requested funds are sufficient but not excessive and are targeted to accomplish the specified goals and objectives;
  - E) How libraries are involved in learning activities.
- 3) The number of grants to be awarded is at the discretion of the State Librarian.
- 4) Applicants must meet requirements designated by the State Library for collaboration with other groups interested in promoting reading and literacy.
- 5) At risk families are defined as parents and their children whose minimal skills in reading, writing, computation, comprehension

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and communication preclude them from functioning effectively in their lives.

- b) Direct expenditures by the State Librarian may be made to develop one or more reading program centers.
- c) Funding awarded under subsections (a) and (b) of this Section may be used for any one or all of the following purposes:
  - 1) Development of collections of materials, including learning games, for use by parents working together with their children.
  - 2) Employment of staff to provide parent-child reading activities; computer technology activities, experiential enrichment excursions and participation in library reading programs.
  - 3) Provision of support services to assist in families' participation which could include, but not be limited to, child care and transportation.
  - 4) Development of programs on library resources and services for at risk families.

(Source: Added at 23 Ill. Reg. 8645, effective JUL 13 1999.)



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1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers:  
113.157  
113.260

Emergency Action:  
Amendment  
Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

5) Effective Date of Amendments: July 13, 1999

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date filed with the Index Department: July 13, 1999

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency:

Recognizing that implementation of this rulemaking, as promptly as possible, will serve the public interest, the Department has determined that the use of emergency rulemaking is justified. Immediate implementation of these emergency amendments will simplify eligibility determinations for TANF cash assistance and make eligibility determinations clearer to clients, thus removing barriers to applying for assistance. On that basis, the Department believes that the changes in this rulemaking need to be in place sooner than the normal rulemaking process would allow.

These emergency amendments also are being filed pursuant to the Governor's fiscal year 2000 budget plan and the enactment of the State's budget by the legislature. The immediate implementation of these increases in shelter care rates is necessary to comply with the budget plan for fiscal year 2000 and to permit the Department to continue to provide adequate reimbursement levels to shelter care facilities for AABD clients.

10) A Complete Description of the Subject and Issues: These proposed amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely

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replicates the use of Work Pays budgeting, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.

As a result of recent legislation, these proposed amendments increase the shelter care rates by \$91 per month per AABD client. The purpose of this increase is to help cover the cost of the care the client is receiving from the shelter care provider.

11) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.141	Amendment	23 Ill. Reg. 37
113.253	Amendment	23 Ill. Reg. 3554
113.260	Amendment	23 Ill. Reg. 3554

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 113

## AID TO THE AGED, BLIND OR DISABLED

## SUBPART A: GENERAL PROVISIONS

## Section

113.1 Description of the Assistance Program  
 113.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

113.9 Client Cooperation  
 113.10 Citizenship  
 113.20 Residence  
 113.30 Age  
 113.40 Blind  
 113.50 Disabled  
 113.60 Living Arrangement  
 113.70 Institutional Status  
 113.80 Social Security Number

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

113.100 Unearned Income  
 113.101 Budgeting Unearned Income  
 113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
 113.103 Initial Receipt of Unearned Income  
 113.104 Termination of Unearned Income  
 113.105 Unearned Income In-Kind  
 113.106 Earmarked Income  
 113.107 Lump Sum Payments and Income Tax Refunds  
 113.108 Protected Income (Repealed)  
 113.109 Earned Income (Repealed)  
 113.110 Budgeting Earned Income (Repealed)  
 113.111 Protected Income  
 113.112 Earned Income  
 113.113 Exempt Unearned Income  
 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision  
 113.115 Initial Employment

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113.116 Budgeting Earned Income For Contractual Employees  
 113.117 Budgeting Earned Income For Non-contractual School Employees  
 113.118 Termination of Employment  
 113.120 Exempt Earned Income  
 113.125 Recognized Employment Expenses  
 113.130 Income From Work/Study/Training Programs  
 113.131 Earned Income From Self-Employment  
 113.132 Earned Income From Roomer and Boarder  
 113.133 Earned Income From Rental Property  
 113.134 Earned Income In-Kind  
 113.139 Payments from the Illinois Department of Children and Family Services  
 113.140 Assets  
 113.141 Exempt Assets  
 113.142 Asset Disregard  
 113.143 Deferral of Consideration of Assets  
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)  
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)  
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent  
 113.157 Responsibility of Sponsors of Non-citizens Attens Entering the Country Prior to 8/22/96  
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 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96  
 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

## Section

113.245 Payment Levels for AABD  
 113.246 Personal Allowance  
 113.247 Personal Allowance Amounts  
 113.248 Shelter  
 113.249 Utilities and Heating Fuel  
 113.250 Laundry  
 113.251 Telephone  
 113.252 Transportation, Lunches, Special Fees  
 113.253 Allowances for Increase in SSI Benefits  
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing  
 113.255 Sheltered Care in a Licensed Group Care Facility  
 113.256 Shopping Allowance  
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)  
 113.258 Home Delivered Meals  
 113.259 AABD Fuel and Utility Allowances By Area  
 113.260 Sheltered Care Rates  
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 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical

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## Facilities

## Meeting the Needs of an Ineligible Dependent with Client's Income

113.262

## SUBPART E: OTHER PROVISIONS

## Section

113.300 Persons Who May Be Included In the Assistance Unit

113.301 Grandfathered Cases

113.302 Interim Assistance (Repealed)

113.303 Special Needs Authorizations

113.304 Retrospective Budgeting

113.305 Budgeting Schedule

113.306 Purchase and Repair of Household Furniture (Repealed)

113.307 Property Repairs and Maintenance

113.308 Excess Shelter Allowance

113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)

113.320 Redetermination of Eligibility

113.330 Attorney's Fees for VA Appellants (Repealed)

## SUBPART F: INTERIM ASSISTANCE

## Section

113.400 Description of the Interim Assistance Program

113.405 Pending SSI Application (Repealed)

113.410 More Likely Than Not Eligible for SSI (Repealed)

113.415 Non-Financial Factors of Eligibility (Repealed)

113.420 Financial Factors of Eligibility (Repealed)

113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)

113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)

113.435 Medical Eligibility (Repealed)

113.440 Attorney's Fees for SSI Applicants (Repealed)

113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)

113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)

113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective August 1, 1979; peremptory amendment at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective

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effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective



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April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended

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at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 19 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. ~~8650~~ **8650-1** effective July 13, 1999.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96  
EMERGENCY

- a) This Section, except as specified in subsection (b) of this Section, applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA) (8 USC 1183A).
- b) This Section applies to all non-citizens except the following:
- 1) persons paroled under Section 212(d)(5) of the Immigration and

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Nationality Act (8 USC 1182(d)(5)) (INA) for at least one year and who entered the United States before August 22, 1996; persons granted asylum by the U.S. Attorney General under Section 208 of the INA (8 USC 1158);

- 3) persons admitted as Cuban or Haitian entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA (8 USC 1153(a)(7));
- 5) persons admitted as refugees by application after March 31, 1980, under Section 207(c) of the INA (8 USC 1157(c)(1));
- 6) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States;
- 7) persons whose deportation is being withheld under Section 243(h) of the INA (8 USC 1253(h)); and
- 8) MANG applicants and recipients.

c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying for or receiving AABD MAG assistance if:

- 1) the sponsor signed an Affidavit of Support or a similar agreement assuring that the non-citizen would not become a public charge;
- 2) the non-citizen has been a resident of the United States for less than three years;
- 3) the sponsor is not a recipient of TANF, SSI, or SSP; and
- 4) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency, or public organization or agency.

e) The Department shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.

f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.

h) The Department shall determine the sponsor's liability to support the non-citizen as follows:

- 1) Determination of Sponsor's Available Income.
  - A) The Department shall disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) The Department shall add the unearned income of the sponsor and spouse if they live together.

## DEPARTMENT OF HUMAN SERVICES

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C) If the sponsor's children are living with the sponsor, the Department shall deduct the income of the sponsor and the sponsor's spouse and family from 3 times the applicable TANF cash payment ~~the appropriate federal poverty level, as defined in 09--111--Adm--Code--113--115(b)~~. The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included.

D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department shall deduct the income from the appropriate AABD Assistance Standard (see Section 113.245).

E) The Department shall deduct from income:

- i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
- ii) any alimony or child support paid to individuals not living with the sponsor.

F) Any remaining income is applied to the needs of the non-citizen.

2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.

A) The asset disregard for a sponsor of a non-citizen is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.

B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days)

## Section 113.260 Sheltered Care Rates

**EMERGENCY**

Group II Counties	Needs Assessment	Group III Counties
\$ 809.55710-55	0-7	\$ 821.55730-55
814.55723-55	8	827.55736-55
819.55728-55	9	833.55742-55
824.55733-55	10	839.55748-55
829.55738-55	11	845.55754-55
834.55743-55	12	851.55760-55
839.55748-55	13	857.55766-55
844.55753-55	14	863.55772-55
849.55758-55	15	869.55778-55
854.55763-55	16	875.55784-55

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

859.55766-55 17  
 864.55773-55 18  
 896.55778-55 19  
 874.55783-55 20  
 879.55788-55 21  
 884.55799-55 22  
 889.55798-55 23  
 894.55803-55 24

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. **8650**, effective July 13, 1999, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: Emergency Action:  
114.408 Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) Effective Date of Amendments: July 13, 1999
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: July 13, 1999
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Recognizing that implementation of this rulemaking, as promptly as possible, will serve the public interest, the Department has determined that the use of emergency rulemaking is justified. Immediate implementation of these emergency amendments will simplify eligibility determinations for TANF cash assistance and make eligibility determinations clearer to clients, thus removing barriers to apply for assistance. On that basis, the Department believes that the changes in this rulemaking need to be in place sooner than the normal rulemaking process would allow.
- 10) A Complete Description of the Subject and Issues: These proposed amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

Section  
114.1  
114.2  
114.3  
114.5

Description of the Assistance Program  
Determination of Not Employable  
Advocacy Program for Persons Receiving State Transitional Assistance  
Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
114.9  
114.10  
114.20  
114.30  
114.40  
114.50  
114.52  
114.60  
114.61

Client Cooperation  
Citizenship  
Residence  
Age  
Relationship  
Living Arrangement  
Social Security Numbers  
Work Registration Requirements (Outside City of Chicago only)  
Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)  
Job Service Registration (Outside City of Chicago only)  
Failure to Maintain Current Job Service Registration (Outside City of Chicago only)  
Responsibility to Seek Employment (Outside City of Chicago only)  
Initial Employment Expenses (Outside City of Chicago only)  
Downstate General Assistance Work and Training Programs  
Downstate General Assistance - Food Stamps Employment and Training Pilot Project

114.62  
114.63  
114.64  
114.70  
114.80  
114.85  
114.90  
114.100  
114.101

Project Chance Participation/Cooperation Requirements (Renumbered)  
General Assistance Jobs Program (Repealed)  
Persons Ineligible for TANF Due to Time Limits

## SUBPART C: PROJECT ADVANCE

Section  
114.108  
114.109  
114.110

Project Advance (Repealed)  
Project Advance Participation Requirements of Adjudicated Fathers (Repealed)  
Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

114.111	Project Advance Sanctions (Repealed)
114.113	Project Advance Good Cause for Failure to Comply (Repealed)
114.115	Individuals Exempt From Project Advance (Repealed)
114.117	Project Advance Supportive Services (Repealed)
SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS	
Section	Employment and Training Requirements
114.120	Persons Required to Participate in Project Chance (Repealed)
114.121	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130	Employment and Training Supportive Services (Repealed)
114.135	Conciliation and Fair Hearings (Repealed)
114.140	Employment Child Care (Repealed)

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	Unearned Income
114.200	Budgeting Unearned Income
114.201	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.202	Initial Receipt of Unearned Income
114.203	Termination of Unearned Income
114.204	Exempt Unearned Income
114.210	Education Benefits
114.220	Unearned Income In-Kind
114.221	Earmarked Income
114.222	Lump-Sum Payments
114.223	Protected Income
114.224	Earned Income
114.225	Budgeting Earned Income
114.226	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.227	Initial Employment
114.228	

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers (Repealed)
114.280	Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

Section	Payment Levels
114.350	Payment Levels in Group I Counties
114.351	Payment Levels in Group II Counties
114.352	Payment Levels in Group III Counties
114.353	

## SUBPART G: OTHER PROVISIONS

Section	Persons Who May Be Included In the Assistance Unit
114.400	Eligibility of Strikers
114.401	Special Needs Authorizations (Repealed)
114.402	Institutional Status
114.403	Retrospective Budgeting
114.404	Budgeting Schedule
114.405	Limitation on Amount of General Assistance to Recipients from Other States
114.406	Responsibility of Sponsors of Non-Citizens Entering the Country On or After August 22, 1996
Section	Redetermination of Eligibility
114.408	Extension of Medical Assistance Due to Increased Income from Employment
114.440	Attorney's Fees for VA Appellants
114.442	Attorney's Fees for SSI Applicants

## SUBPART H: CHILD CARE

Section

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

114.450 Child Care (Repealed)  
 114.452 Child Care Eligibility (Repealed)  
 114.454 Qualified Provider (Repealed)  
 114.456 Notification of Available Services (Repealed)  
 114.458 Participant Rights and Responsibilities (Repealed)  
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)  
 114.464 Rates of Payment for Child Care (Repealed)  
 114.466 Method of Providing Child Care (Repealed)

## SUBPART I: TRANSITIONAL CHILD CARE

Section  
 114.500 Transitional Child Care Eligibility (Repealed)  
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)  
 114.506 Loss of Eligibility for Transitional Child Care (Repealed)  
 114.508 Qualified Provider (Repealed)  
 114.510 Notification of Available Services (Repealed)  
 114.512 Participant Rights and Responsibilities (Repealed)  
 114.514 Child Care Overpayments and Recoveries (Repealed)  
 114.516 Fees for Service for Transitional Child Care (Repealed)  
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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## NOTICE OF EMERGENCY AMENDMENTS

5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg.



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10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective

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November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amendment at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. ~~8561~~ effective July 13, 1999, for a maximum of 150 days.

## SUBPART G: OTHER PROVISIONS

**Section 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96**  
**EMERGENCY**

- a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA) (8 USC 1183A).
- b) This Section applies to all non-citizens except the following:
- 1) persons granted asylum by the U.S. Attorney General under Section 208 of the INA (8 USC 1158);
  - 2) persons admitted as Cuban or Haitian entrants;
  - 3) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA (8 USC 1157); and
  - 4) persons whose deportation is being withheld under Section 243(h) of the INA (8 USC 1253(h)).
- c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

unearned income and/or assets of the individual non-citizen applying for or receiving General Assistance if:

- 1) the sponsor signed an Affidavit of Support under Section 213A of the INA (8 USC 1183A) assuring that the non-citizen would not become a public charge;

- 2) the sponsor is not a recipient of GA, TANF, SSI or SSP; and

- 3) the non-citizen is not a child or spouse of the sponsor.

- d) A sponsor is an individual, private organization or agency, or public organization or agency.

- e) The sponsor's spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

- f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.

- h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Sponsor's Income

- A) The Department shall disregard 20 %, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

- B) The Department shall add the unearned income of the sponsor and spouse if they live together.

- C) The Department shall deduct 3 times the appropriate TANF cash payment federal-poverty level~~7-as defined-in-89--fil-Adm--Code--112-155(b)~~ for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

- D) The Department shall deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.

- E) The Department shall subtract any alimony or child support paid to individuals not living with the sponsor.

- 2) Any remaining income is applied to the needs of the non-citizen.

- 3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a GA case as provided in Section 114.251.

- i) If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.

- j) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8661 effective July 13, 1999, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:  
 112.101 Emergency Action:  
 Amendment  
 112.130 Amendment  
 112.307 Amendment  
 112.308 Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Amendments: July 13, 1999
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed with the Index Department: July 13, 1999
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Recognizing that implementation of this rulemaking, as promptly as possible, will serve the public interest, the Department has determined that the use of emergency rulemaking is justified. Immediate implementation of these emergency amendments will simplify eligibility determinations for TANF cash assistance and make eligibility determinations clearer to clients, thus removing barriers to applying for assistance. On that basis, the Department believes that the changes in this rulemaking need to be in place sooner than the normal rulemaking process would allow.
- 10) A Complete Description of the Subject and Issues: These proposed amendments align the determination of liability of stepparents, parents and sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of stepparents, parents and sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.
- 11) Are there any other amendments pending on this Part: Yes

Section Numbers      Proposed Action      Illinois Register Citation

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- |         |           |                   |
|---------|-----------|-------------------|
| 112.78  | Amendment | 23 Ill. Reg. 5637 |
| 112.131 | Amendment | 23 Ill. Reg. 4586 |
| 112.134 | Amendment | 23 Ill. Reg. 4586 |
| 112.141 | Amendment | 23 Ill. Reg. 4586 |
| 112.155 | Amendment | 23 Ill. Reg. 4586 |
| 112.250 | Amendment | 23 Ill. Reg. 4586 |

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these amendments shall be directed to:

Ms. Susan Warner Weir, Bureau Chief  
 Bureau of Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor Harris Bldg.  
 Springfield, Illinois 62762  
 217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

## SUBPART A: GENERAL PROVISIONS

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112.1  
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Description of the Assistance Program  
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## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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Caretaker Relative  
Client Cooperation  
Citizenship  
Residence  
Age  
Relationship  
Living Arrangement  
Social Security Numbers  
Assignment of Medical Support Rights  
Basis of Eligibility  
Death of a Parent (Repealed)  
Incapacity of a Parent (Repealed)  
Continued Absence of a Parent (Repealed)  
Unemployment of the Parent (Repealed)  
Responsibility and Services Plan  
Alcohol and Substance Abuse Treatment  
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## SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section  
112.70  
112.71

Employment and Work Activity Requirements  
Individuals Exempt from TANF Employment and Work Activity Requirements

112.72 Participation/Cooperation Requirements  
112.73 Adolescent Parent Program (Repealed)  
112.74 Responsibility and Services Plan  
112.75 Teen Parent Personal Responsibility Plan (Repealed)  
112.76 TANF Orientation  
112.77 Reconciliation and Fair Hearings

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

112.78 TANF Employment and Work Activities  
112.79 Sanctions  
112.80 Good Cause for Failure to Comply with TANF Participation Requirements  
112.81 Responsible Relative Eligibility for JOBS (Repealed)  
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112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

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112.87 Project Advance Experimental and Control Groups (Repealed)  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)  
112.90 Project Advance Sanctions (Repealed)  
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)  
112.93 Individuals Exempt From Project Advance (Repealed)  
112.95 Project Advance Supportive Services (Repealed)

## SUBPART F: EXCHANGE PROGRAM

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112.98 Exchange Program (Repealed)

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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112.100 Unearned Income  
112.101 Unearned Income of Stepparent or Parent  
EMERGENCY  
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## DEPARTMENT OF HUMAN SERVICES

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112.131	Earned Income Tax Credit
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<u>EMERGENCY</u>	
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112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)
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112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)
<u>AUTHORITY:</u> Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].	

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted

## DEPARTMENT OF HUMAN SERVICES

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and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective



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August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg.

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8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 8672, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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## NOTICE OF EMERGENCY AMENDMENTS

**Section 112.101 Unearned Income of Stepparent or Parent**  
**EMERGENCY**

- a) In determining eligibility and level of assistance, the following shall be considered:
- 1) the unearned income of a stepparent of a child if the stepparent lives with the assistance unit;
  - 2) the unearned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household.
- b) The amount of the total available income of the stepparent or parent under subsection (a) above shall be the income remaining after the following amounts have been deducted:
- 1) an amount equal to 3 times the TANF payment level ~~the-federal poverty-level, as defined in Section--112.155(b)7~~ for a family size taking into account the needs of the stepparent or parent and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims as federal tax dependents;
  - 2) court ordered support obligations of the stepparent or parent; or
  - 3) amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims as federal tax dependents.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days)

**Section 112.130 Earned Income****EMERGENCY**

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
  - 1) the earned income of a stepparent of a child if the stepparent lives with the assistance unit;
  - 2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household.
- d) The amount of the total available income of the stepparent or parent under subsection (c) of this Section shall be the income remaining after the following amounts have been deducted:
  - 1) As employment expenses, \$90 from the gross earned income or income remaining after deducting self-employment business

## DEPARTMENT OF HUMAN SERVICES

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- expenses for an employed person (see Section 112.145):
- 2) An amount equal to 3 times the TANF payment level ~~the-federal poverty-level--(see-Section-112.155(b)7~~ for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;
  - 3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;
  - 4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents.
  - e) Earned income received through the Job Training Partnership Act by all dependent children is exempt.
  - f) Earned income received by all dependent children.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days)

## SUBPART 1: OTHER PROVISIONS

**Section 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96**  
**EMERGENCY**

- a) This Section 112.307, except as specified in subsection (b), applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date, but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).
- b) This Section applies to all non-citizens except the following:
  - 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
  - 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
  - 3) persons admitted as Cuban or Haitian Entrants;
  - 4) persons admitted by application before April 1, 1980 under Section 203(a)(7) of the INA;
  - 5) persons admitted as refugees by application after March 31, 1980 under Section 207(c) of the INA; and
  - 6) persons whose deportation is being withheld under Section 243(h) of the INA.
- c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:
  - 1) the sponsor signed an affidavit of support or a similar

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agreement assuring the non-citizen will not become a public charge;

- 2) the sponsor is not a recipient of TANF or SSI;
- 3) the non-citizen has been a resident of the U.S. for less than three years;
- 4) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency or public organization or agency.

e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen, wholly or partially, is liable for the needs of the individual only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.

h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Income

A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) Add the unearned income of the sponsor and spouse, if they live together.

C) Deduct 3 times the TANF payment level the appropriate federal-poverty-level-as-defined-in-Section-112-155(b)7 for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.

E) Subtract any alimony or child support paid to individuals not living with the sponsor.

2) Income remaining is applied to the needs of the immigrant.

- 3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.

i) If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. **8672**, effective July 13, 1999, for a maximum of 150 days)

## Section 112.308 Responsibility of Sponsors of Non-Citizens Entering the

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## Country On or After 8/22/96

## EMERGENCY

a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act.

b) This Section applies to all non-citizens except the following:

- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
- 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
- 3) persons admitted as Cuban or Haitian Entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- 5) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA; and
- 6) persons whose deportation is being withheld under Section 243(h) of the INA.

c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:

- 1) the sponsor signed an Affidavit of Support under Section 213A of the INA assuring the non-citizen will not become a public charge;
- 2) the sponsor is not a recipient of TANF or SSI; and
- 3) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency or public organization or agency.

e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.

h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Income

A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) Add the unearned income of the sponsor and spouse, if they live together.



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- C) Deduct 3 times the TANF payment level ~~the appropriate federal-poverty-level, as defined in Section 112-155(b)(7)~~ for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.
- D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
- E) Subtract any alimony or child support paid to individuals not living with the sponsor.
- 2) Income remaining is applied to the needs of the non-citizen.
- 3) Determination of Sponsor's Assets  
The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.
- i) If non-exempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.
- j) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. **0672** effective July 13, 1999, for a maximum of 150 days)

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: The Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3) Section Numbers:                      Emergency Action:  
100.10                                      Amendment  
100.400                                      Amendment
- 4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(2)] and Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999).
- 5) Effective Date of Amendment: July 13, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: July 13, 1999
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Emergency rulemaking is needed to deal with pending and future matters submitted to the Commission pursuant to the Illinois Wine and Spirits Industry Fair Dealing Act.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules outline procedures to be followed for matters dealing with the Illinois Wine and Spirits Industry Fair Dealing Act, i.e. initiating a dispute resolution proceeding, response to application for dispute resolution, appearance, motions and petitions, preliminary relief, discovery and miscellaneous provisions.
- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: These rules will not require any new expenditure by units of local government.
- 13) Information and questions regarding these amendments shall be directed to:

Name: Ann T. Treonis  
Address: Legal Counsel  
          Illinois Liquor Control Commission  
          100 W. Randolph, Ste. 5-300  
          Chicago IL 60601  
Telephone: 312/814-2604

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The full text of the emergency amendments begins on the next page:

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE A: ALCOHOL

CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

## PART 100

## THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
<u>EMERGENCY</u>	
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Multi-Use Facilities
100.280	Giving Away of Alcoholic Liquors
100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record -- Certification of Ordinance

## ILLINOIS LIQUOR CONTROL COMMISSION

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100.370 Procedures Before the Commission  
 100.380 Ex Parte Consultations  
 100.390 Transcripts--Administrative Review  
 100.400 Procedures Before the Commission on Disputes under Section 35 of  
EMERGENCY the Illinois Wine and Spirits Industry Fair Dealing Act (Renumbered)  
 100.410 Ex Parte Consultations (Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. ~~8687~~ 5, effective July 13, 1999, for a maximum of 150 days.

## Section 100.10 Definitions

EMERGENCY

The following words or phrases are defined as follows:

"Act" means the Illinois Liquor Control Act [235 ILCS 5].

"Airplane" shall be deemed to include railroads and airplanes.

"Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Commission" means Illinois Liquor Control Commission.

"Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.

"Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a limited liability company as defined in this Section.

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"Event" means a single theme.

"Fair Dealing Act" means the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999).

"Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

"Manager" or "Agent" means any individual employed by any licensed place of business, provided the individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as the Commission shall from time to time prescribe.

"Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.

"Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

"Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

"Partner" is any individual who is a member of a co-partnership.

"Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, and executors, administrators or other personal representatives of decedents.

"Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

"Resident" means any person (other than a corporation) who has resided, and maintained a bona fide residence, in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.

"Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food



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preparation area, or wait or server station area of a retail licensee who primarily serves meals, as described in this Section.

"Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits 1/4 oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.

"Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. **3687.20**, effective July 13, 1999, for a maximum of 150 days)

**Section 100.400 Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (Renumbered)**  
**EMERGENCY**

Pursuant to the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999), Section 6-9 of the Liquor Control Act [235 ILCS 5/6-9], Section 100.60 of this Part, and the Illinois Administrative Procedure Act [5 ILCS 100], in all disputes presented to the Commission under Section 35 of the Fair Dealing Act, the following procedures shall be followed:

- a) Initiating a dispute resolution proceeding.  
The aggrieved party shall file an application (petition, request for relief) with the Commission that shall include, at a minimum, the following information (the application may be supported by documentation, which shall be made a part of the application, supplying all or any part of the information):
  - 1) The party's license classification (i.e., distributor, importing distributor) and Illinois liquor license number and date of expiration.
  - 2) All opposing parties' license classification (i.e., non-resident dealer) and Illinois liquor license number and date of expiration, if known.
  - 3) A copy of any written agreement between the parties under which

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the "distributorship relationship" was established; if no written agreement exists or is otherwise unavailable, the essential terms of the agreement shall be pled.

- 4) A copy of all Registration Statements filed with the Commission granting to the distributor the right to sell at wholesale in Illinois; if no such Registration Statement is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which the rights are granted.
- 5) A copy of the Withdrawal of Registration filed with the Commission withdrawing from the distributor the right to sell at wholesale distilled spirits and/or wine in Illinois; if no such Withdrawal is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which such rights are withdrawn.
- 6) A detailed statement of the facts and circumstances giving rise to the allegations of violation of the Fair Dealing Act. Evidence shall not be pled.
- 7) Prayer for relief, which may include both temporary (preliminary) and permanent relief, if applicable.
- 8) The document shall be certified as provided in subsection (g)(15).

The matter shall be docketed by the Commission and given a file number that should be used on all subsequent documents.

The parties to a request for resolution of a dispute under the Fair Dealing Act shall be designated as "Petitioner" and "Respondent". There shall be no other parties joined in the matter without the filing of a motion or petition and the entry of an order by the Commission allowing the joinder of additional parties.

- b) Response to application for dispute resolution.  
The responding party shall file a response (answer) to the application (petition, request for relief), admitting, denying, averring no knowledge, or such other response as it may deem appropriate, to each allegation in the application; information or documentation supplying additional information in response to the application may also be made a part of the response. The responsive document shall contain the information required under subsections (a)(1) through (6) and (8) of this Section if any allegations in the application are denied. Evidence shall not be pled.

The response shall be filed with the Commission not later than 21 days after service upon the party.

- c) Appearance.  
Each party appearing before the Commission shall file an appearance, using the Commission form or a reasonable facsimile, that shall contain all information requested in the Commission form. The filing of an appearance with the Commission shall be deemed to authorize the Commission to direct all subsequent communication, verbal, written and

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electronic, to the listed address or addressee. Service of the communication to that address or addressee shall be deemed service upon the party or attorney.

d) Motions and petitions.

Motions directed to the adequacy or sufficiency of the application may be filed with the Commission in lieu of a response under subsection (b); the motion shall be filed not later than 14 days after service of the application. The Petitioner may file a response to the motion within 7 days after service of the motion.

Motions or petitions seeking to vacate, alter or otherwise modify orders entered by the Commission shall state all relief sought and all bases upon which relief is sought, and shall be supported by all documentation bearing upon the relief and bases. If documentation is unavailable, the content may be pled with specificity and the party's inability to produce documentation shall be detailed in the motion or petition. The opposing parties may file their response to the motion or petition not later than 7 days after service.

The Commission shall take motions or petitions and any responses under advisement and enter its written ruling on the documents filed. Oral argument on motions or petitions and responses shall not be allowed except on order of the Commission.

e)

If the Petitioner has prayed for or filed a supplementary (additional) request (motion, petition) for preliminary relief, the Respondent shall be served with notice of the intent of the Petitioner to appear before the Commission to request the entry of an Order granting the relief. The Respondent shall be allowed to file a written response to the notice of intent to request preliminary relief not later than 7 days after service of the notice, and the Commission shall set the request and response for hearing as soon as practicable. The party moving the Commission for the entry of a preliminary order shall have the burden of establishing the entitlement to relief, unless the Fair Dealing Act provides to the contrary.

No preliminary order establishing the status quo shall be entered without notice to the opposing party or attorney, as the case may be, unless it clearly appears from the facts shown by verified application or by affidavit if by supplemental request (motion, petition) that immediate and irreparable harm, damage or loss will result to the movant before notice can be served and a hearing on the application can be had, in which event the Commission may issue, without prior notice, any preliminary order it deems necessary and appropriate, without notice, and shall set the matter for preliminary status report at its next regularly scheduled hearing, or within 30 days after the entry of the order, or upon motion of any party, whichever occurs first.

In the event the Commission enters an order granting the preliminary relief, the order shall remain in full force and effect during the pendency of the matter and until the occurrence of any event set forth

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in Section 35 (e) and (f) of the Fair Dealing Act, unless previously vacated, dissolved or modified by subsequent order. Documents seeking such preliminary relief and opposing same shall be certified as provided herein.

f) Discovery.

Any party may obtain by discovery the full disclosure of information concerning the subject matter of the proceeding, which may be secured through any or all of the following discovery methods. Discovery shall not be duplicative or repetitious.

"Document" as used in this subsection (f) shall include but not be limited to: papers; photographs; video; audio; electronic or magnetic recordings; memoranda; books; records; accounts; all written or oral communications; and retrievable information in computer storage. Methods of discovery:

- 1) Depositions upon oral questions or written interrogatories.
- 2) Written Interrogatories.
- 3) Requests for production of documentation.
- 4) Requests for the admission of facts or the genuineness of documents.

Parties shall serve discovery documents upon the opposing party or attorney. The notice of filing and proof of service of the discovery shall be filed with the Commission stating the nature of the discovery served (i.e., interrogatories, request for production of documents, etc.) but the documents served upon the opposing party or attorney shall not be filed with the Commission.

Response to discovery documents shall be served upon the opposing party or attorney and the original response shall be filed with the Commission.

Discovery to which written responses are required shall be responded to within 30 days after service of the discovery upon the party or attorney requested to respond.

Motions with respect to discovery shall be filed with the Commission and copies served upon the opposing party or attorney. The opposing party or attorney may file with the Commission a response to the motion. Motions and responses shall contain all grounds upon which the movant and respondent rely. Copies of the discovery to which the motions are directed shall be filed with the motion. Privilege, relevance, materiality, work product or other claims asserted in avoidance of responding to discovery hereunder shall be defined in accordance with Section 10-40 of the IAPA [5 ILCS 100/10-40], and such claims shall be promptly communicated to the opposing party and the Commission by the filing of an objection to the discovery claimed to be exempt from production.

The Commission shall take the motions and responses under advisement and enter its written ruling on the motion and response. Oral argument on the motions and responses shall not be allowed except on order of the Commission.

Miscellaneous provisions.

g)



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- 1) Hearing. Conduct of the hearing shall be in accordance with Section 10-25 of the IAPA.
- 2) Record. A record of all proceedings before the Commission in open hearing shall be maintained in accordance with Section 10-35 of the IAPA.
- 3) Standard of proof. The standard of proof shall be the preponderance of the evidence in accordance with Section 10-15 of the IAPA.
- 4) Rules of Evidence. The admission of evidence shall be in accordance with Section 10-40 of the IAPA.
- 5) Stipulations. The Commission directs the parties and attorneys to prepare written stipulations of facts not in dispute, of the applicable law, and of all other matters to which there is agreement. The stipulation shall be filed with the Commission as soon as practical.
- 6) Subpoenas. Any party may request the Commission to issue a subpoena requiring the presence of any party or witness or for the production of documentation.
- 7) Legal Precedent. Any party citing case law or other legal precedent for the Commission's consideration shall file with the Commission copies of the case law or precedent. If the case law or precedent is cited in a motion, brief or other document filed with the Commission, copies of the case law or precedent shall be appended to the document.
- 8) Notice of filing and proof of service shall be required on all documents filed with the Commission and served upon the opposing party or attorney.
- 9) Service of Documents. All applications for relief under the Fair Dealing Act shall be sent to the opposing party by certified or registered mail with return receipt requested; the original return receipts shall be filed with the Commission. All subsequent documents shall be served upon the opposing party or attorney via regular mail, unless the Commission orders that the documents be served by another method.  
Any documents may be personally served upon the opposing party or attorney.  
Facsimile service of any document may be had unless any party or attorney files a written objection to that type of service.  
So-called "express company", "overnight", or "next day" delivery provided by the U.S. Postal Service or express carrier may be utilized for service upon the opposing party or attorney.  
E-mail service may be had of any document or communication unless any party or attorney files a written objection to that type of service.  
The Commission's e-mail address is:  
lcc webmaster@pop.state.il.us.  
All documents filed in the proceeding shall be filed with the Commission office at 100 West Randolph Street, Suite 5-300, Chicago, Illinois 60601.

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- 10) Status Reports. The Commission shall set by order any status reports and status hearings it deems necessary to assure the progress of the matter.
- 11) Pre-Final Hearing Memoranda. The parties shall file, not later than 14 days prior to the Pre-Final Hearing Conference, a Pre-Final Hearing Memorandum utilizing the Commission form or other reasonably similar format that contains responses to all of the information requested on the Commission form.
- 12) Pre-Final Hearing Conference. Any party or attorney may file a written request, or the Commission may order, that the parties and attorneys attend a Pre-Final Hearing Conference at which the Commission shall consider:
  - A) the simplification of issues;
  - B) the amendments to any documents previously filed;
  - C) the possibility of any or additional stipulations or admissions of fact, document or law;
  - D) the anticipated scheduling of the final hearing;
  - E) any other matters that the parties or attorneys may request the Commission to consider; and
  - F) any other matters that may aid in the simplification of issues or the disposition of the matter.
 At the request of any party or attorney, or in the exercise of the sound discretion of the Commission, further or additional conferences may be scheduled in the interests of justice and the resolution of the matter. At the conclusion of the conference process, the Commission may enter an order it deems in the interests of justice and the resolution of the matter. At the conclusion of the conference process, if there has been no resolution of the matter, the Commission shall set the final hearing date.
- 13) Hearing Exhibits. At the final hearing, the parties shall provide the Commission with an original and 6 copies of all documents, identified as either "Petitioner's Exhibit No. " or "Respondent's Exhibit No. ", which are sought to be introduced into evidence at the hearing.
- 14) Filing of Documents. An original and 6 copies of any documents in connection with the matter shall be filed with the Commission.
- 15) Certification of Documents. Any document required under this Part to be under oath shall be under penalty of perjury, and may be accomplished by the use of a certification substantially stating as follows:
 

"I, \_\_\_\_\_, (capacity), certify that the statements set forth in the foregoing document are made upon my personal knowledge and such statements are true and correct, except as to matters stated to be on information and belief, and as to such matters I certify that I believe same to be true and correct.  
(Signed)"



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Certification of any document may also be accomplished via an appropriate attestation statement before a notary public.

- 16) Telephone Communication. Recognizing that the parties to disputes under the Fair Dealing Act may not be geographically amenable to receipt of written communication, especially when matters that may be deemed to be of an emergency nature are presented to the Commission for action, telephone communication may be employed, and on a case-by-case basis that communication will be evaluated for a determination of whether it is prohibited communication within the meaning of Section 10-60 of the IAPA and Section 100.380 of this Part.

So-called "conference calls" shall include all affected parties and/or their attorneys and shall not be deemed to be prohibited communication.

All oral communication shall be directed to the Commission office in Chicago, telephone number 312-814-2206, or other number as may be communicated to the parties and attorneys.

- 17) Hearing Officer. The Commission may appoint one or more of its members to act in the capacity of hearing officer to assist it in the exercise of the powers and the performance of the duties imposed upon it by the Fair Dealing Act, on any matters the Commission may refer for consideration, including but not limited to matters concerning discovery, the conducting of a preliminary hearing, the taking of evidence on motions, or other aspects of the matter it may deem necessary for the proper performance of the duties vested in it.

- 18) Hearing Schedule. The Commission's regular hearing schedule is set not less than one calendar year in advance and is published in accordance with the Open Meetings Act. The Commission shall set preliminary and final hearings to conform with its published schedule. The Commission shall set such special hearing dates as it deems necessary.

(Source: Old Section 100.400 renumbered to Section 100.370 at 8 Ill. Reg. 6041, effective April 19, 1984; new section 100.400 added by emergency at 23 Ill. Reg. **3687**, effective July 13, 1999, for a maximum of 150 days)

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC HEARINGS

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1998), the Illinois Department of Labor will conduct a hearing involving an objection to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in operating engineers work on public works projects in Champaign County, State of Illinois, and the prevailing rate of wages for the classification(s).

- 1) Date, Time and Location of Public Hearings:

Monday, August 23, 1999

10:00 A.M.

Illinois Department of Labor

160 North LaSalle Street, Suite C-1300

Chicago, Illinois 60601

- 2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel

Illinois Department of Labor

160 North LaSalle Street, Suite C-1300

Chicago, Illinois 60601

(312) 793-1805

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC HEARING

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1998), the Illinois Department of Labor will conduct a hearing involving an objection to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in low-voltage electrical work on public works projects in Madison County, State of Illinois, and the prevailing rate of wages for the classifications.

## 1) Date, Time and Location of Public Hearings:

Monday, August 16, 1999  
10:00 A.M.  
Illinois Department of Labor  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

## 2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel  
Illinois Department of Labor  
160 North LaSalle Street, Suite C-1300  
Chicago, Illinois 60601  
(312) 793-1805

## DEPARTMENT OF AGRICULTURE

## JULY, 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: Section 105.30 will be amended. Swine purchased through pig shows and sales that are intended for exhibition purposes will be required to be retested for pseudorabies 21-60 days post-importation, regardless of the sex of the animal.

B) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: August, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: There will be a minor effect on swine producers as the majority of these animals are already being retested for exhibition purposes.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

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A) Description: Section 85.120 will be amended by adopting the May 14, 1999 amendment to the Uniform Methods and Rules for the Federal Cervid Brucellosis Program defining "test eligible" as one year of age or older (currently 6 months). In Section 85.135, a plan will be proposed to recognize levels of infection in cattle herds affected by Johne's disease.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Section 85.120: testing requirements will be eased on cervids entering Illinois. Section 85.135: Participation in the Johne's Program is voluntary.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Bovidae and Cervidae Tuberculosis Eradication Act, 8 Ill. Adm. Code 80

1) Rulemaking:

A) Description: Sections 80.70 and 80.80 will be amended.

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Regulations will be proposed requiring a negative tuberculin test prior to entry for feeding, grazing and breeding cattle entering Illinois from states or areas that are not accredited tuberculosis-free.

B) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Animal Diagnostic Laboratory Act, 8 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Section 110.80(a) will be amended by raising the fee for: histopathology biopsy from \$20 to \$25; and histopathology multiple tissues from \$30 to \$35. A fee of \$10 will be added to Section 110.80 for immunohistochemistry testing.

B) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]



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- C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: Use of the state-operated laboratories is voluntary.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

- A) Description: Illinois hopes to be awarded Stage IV Status under the Pseudorabies Eradication State-Federal-Industry Program Standards some time in late summer or early fall. If this status is achieved, the Department will review the existing pseudorabies testing requirements for intrastate movement and may consider repealing Section 115.70.

B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

- C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted

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during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: Testing requirements would be reduced for Illinois swine producers.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: This amendment will be proposed only if Illinois achieves Stage IV status. Otherwise, it will be presented in late 2000.

f) Part(s) (Heading and Code Citation): Animal Welfare Act, 8 Ill. Adm. Code 25

1) Rulemaking:

- A) Description: Regulations will be developed governing boarding facilities known as {day care? centers for animals.

B) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]

- C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating boarding facilities

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known as "day care" facilities for animals will be required to meet certain requirements to operate these types of facilities.

F) Agency contact person for information:

Dr. David Bromwell  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-6657  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Illinois Dead Animal Disposal Act, 8 Ill. Adm. Code 901) Rulemaking:

A) Description: Section 90.110 will be amended to add a requirement that all persons operating composting facilities for the disposal of dead animals must record the location of the composter with the Department and make the composter available for inspection.

B) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in October or November, 1999, and a public hearing on the proposed rulemaking will run concurrently with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Persons operating a composter for the disposal of dead animals would be required to record the location of the composter with the Department and make the facility available for inspection.

F) Agency contact person for information:

## DEPARTMENT OF AGRICULTURE

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Dr. David Bromwell  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-6657  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: Noneh) Part(s) (Heading and Code Citation): Bees and Apiaries Act, 8 Ill. Adm. Code 601) Rulemaking:

A) Description: Definitions will need to be added to include pests recently introduced in the United States.

B) Statutory Authority: Bees and Apiaries Act [510 ILCS 20]

C) Schedule meeting/hearing date: None scheduled at this time.

D) Date Agency anticipates First Notice: November 1, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: The effects will be minimal or non-existent unless an infestation involving new pests occurs.

F) Agency contact person for information:

Scott Frank  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-4944  
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: Nonei) Part(s) (Heading and Code Citation): Motor Fuel Standards Act, 8 Ill. Adm. Code 8501) Rulemaking:

A) Description: This Part will be amended to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

B) Statutory Authority: Motor Fuel Standards Act [815 ILCS

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C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/782-3817  
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 65

1) Rulemaking:

A) Description: The United States Department of Agriculture (USDA) has issued a prohibition on the repackaging of eggs packed under USDA's voluntary grading program. Amendments will be made relating to the enforcement of the Illinois Egg and Egg Products Act to follow USDA's standards that eggs sold for human consumption cannot be repackaged. The rules will be amended to clarify that the 30 day expiration date should be marked on each carton of eggs.

B) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*

D) Date Agency anticipates First Notice: October, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Egg packagers and distributors will not be able to regrade and repack older eggs. It is

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seldom that eggs are repackaged and resold to consumers. This amendment will insure that eggs being sold for human consumption are fresh.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/782-3817  
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

K) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600

1) Rulemaking:

A) Description: The National Type Evaluation Program has been adopted as the standards for new weighing and measuring devices. Procedures need to be implemented to provide device users and installers information regarding the installation or transfer of weighing and measuring devices. Pursuant to the Illinois Weights and Measures Act, the Department collects fees for device inspections. There are some devices such as mass flow meters that do not have an established inspection fee. Amendments to this Part will add fees for all devices being inspected by the Department that are not included in the current fee schedule.

B) Statutory Authority: Weights and Measures Act [225 ILCS 470]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will: (1) give businesses and service personnel direction about the installation and transfer of a weighing or measuring device; and (2) establish fees for businesses to test and certify weighing and measuring devices not currently included in the fee schedule.



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F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/782-3817  
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impacts are anticipated.

F) Agency contact person for information:

James R. Hartwig  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794  
217/782-6297  
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

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- m) Part(s) (Heading and Code Citation): Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure), 8 Ill. Adm. Code 1

1) Rulemaking:

A) Description: The Department's procedural rules will be updated, including adding a provision establishing a fee for any party requesting a copy of an administrative hearing transcript, and reorganized.

B) Statutory Authority: Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60] and the Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: November, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Any party requesting a copy of an administrative hearing transcript will be responsible for the costs associated with the transcription.

F) Agency contact person for information:

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
217/785-4507  
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): Freedom of Information Act, 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and

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updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Schedule meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

Cynthia Ervin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
217/785-4507  
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications [20 ILCS 210/6]. Amendments to "Facility Availability" (Section 270.420) will be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative code of Illinois [20 ILCS 5/16 and 40.14]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following

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publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: November, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

F) Agency contact person for information:

Bud Ford  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
217/782-0771  
FAX: 217/782-9115

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Standardbred and Thoroughbred Horse Breeding and Racing Programs, 8 Ill. Adm. Code 290

1) Rulemaking:

A) Description: The Department anticipates amending these rules to clarify existing rules and to propose amendments necessary to comply with the statutory changes to the Horse Racing Act of 1975. In Subpart A, amendments will be made regarding definitions concerning Illinois residency requirements for thoroughbred stallion ownership.

In Subpart B, amendments will be made to outline procedures and requirements that will allow for fresh semen transportation within the state. Procedures for reporting change in standing location or ownership of Illinois stallions will be proposed. In Section 290.85, the reference to mare status reports will be deleted. In Section 290.110, the definition of aged division to 4 years and older will be amended.

In Subpart C, Thoroughbred Division, the Illinois residency requirement for stallion ownership will be deleted along with bill of sale requirement for new applications. Language will be added relative to reporting standing location and ownership changes of Illinois stallions. With regard to broodmare eligibility, requirements will be added for newly created breed-back program and exemption of December 1

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arrival date for Illinois residents' purchases prior to February 1 of foaling year. The mare status report requirement for Illinois conceived and foaled eligibles will be deleted, and report due dates will be amended. With regard to foal registration requirements, a one-time allowance for racing papers that have not been certified by the Department will be added. With regard to County Fair racing, the number of entry requirements will be amended, and a violation will be added for electrical, mechanical device and prohibited medications.

B) Statutory Authority: Section 30 and 31 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/30 and 31]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: November, 1999.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect horse breeding farms.

F) Agency contact person for information:

Jim Reynolds  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/782-4231  
FAX: 217/524-6194

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Agricultural Fair Act, 8 Ill. Adm. Code 260

1) Rulemaking:

A) Description: The age requirements for exhibiting at Junior County Fair shows will be changed to match Cooperative Extension requirements.

B) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following

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publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: February, 2000

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is anticipated.

F) Agency contact person for information:

Jim Reynolds  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
217/782-4321  
FAX: 217/524-6194

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action program, (code citation to be assigned)

1) Rulemaking:

A) Description: This rulemaking will establish procedures governing the operation of the Agrichemical Facility Response Action Program including the coordination of Department and board functions as they relate to the application evaluation and oversight of agrichemical facility cleanups conducted under the program.

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

D) Date Agency anticipates First Notice: September, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.

F) Agency contact person for information:



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Warren Goetsch  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-8218  
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Livestock Management Facilities Act, 35 Ill. Adm. Code 506

1) Rulemaking:

A) Description: Pursuant to recent amendments to the Livestock Management Facilities Act including P.A. 90-565 and P.A. 91-110, rules will be developed by the Department to implement these amendments.

B) Statutory Authority: Livestock Management Facilities Act (510 ILCS 77)

C) Scheduled meeting/hearing dates: To be arranged during first-notice period.

D) Date Agency anticipates First Notice: September 15, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: Livestock producers of all sizes who newly construct or modify livestock waste handling facilities may be affected by additional design standards and filing requirements for such structures and possible public informational meetings, depending on the proposed size and site of the proposed or modified facility. Such additional filing requirements, design standards and possible public informational meetings may increase the construction cost of such structures.

F) Agency contact person for information:

Warren Goetsch  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-2427  
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: Refer

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to Docket #R98-11 and #R98-26 of the Pollution Control Board.

t) Part(s) (Heading and Code Citation): Illinois Pesticide Act, 8 Ill. Adm. Code 250

1) Rulemaking:

A) Description: Rules will be proposed to create a new technical category for application of Metam Sodium in sewer lines.

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.

D) Date Agency anticipates First Notice: October, 1999

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small municipalities. A license will be required to apply Metam Sodium to sewers.

F) Agency contact person for information:

Warren Goetsch  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-8218  
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

## OFFICE OF BANKS AND REAL ESTATE

## JULY 1999 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987, 38 Ill. Adm. Code 1050

1) Rulemaking:

- A) Description: The proposed rulemaking establishes new requirements pertaining to education requirements for certain employees. Each licensee which employs persons within Illinois to take residential mortgage applications from consumers is required to have such persons complete a minimum of 3 hours of education in real estate finance each calendar year at a source approved by the Commissioner. Any person who becomes an employee of a licensee later than September first of any year shall be exempt from this education requirement in the year of his or her hire.

The proposed rulemaking also makes a change in Section 1050.250 regarding "mail-in" examinations conducted pursuant to Section 1050.425 (h). This amendment allows no charge for examination so long as the examination can be conducted in two days or less and the rating of the licensee remains such that the licensee continues to be eligible for the mail-in examination program.

- B) Statutory Authority: Implementing and authorized by the Residential Mortgage Act of 1987 [205 ILCS 635]

- C) Schedule meeting/hearing date: None Scheduled

- D) Date agency anticipates First Notice: Calendar Year 1999

- E) Effect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Bill Brown  
Address: Office of Banks & Real Estate  
500 E. Monroe, Suite 900  
Springfield, IL 62701-1532  
Telephone: 217.782.3000

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): The Illinois Savings and Loan Act of 1985, 38 Ill. Adm. Code 1000

1) Rulemaking:

- A) Description: The proposed rulemaking simplifies supervisory fee structure. The proposed amendments lower fees by rounding down to the nearest whole number under Sections 1000.141 and 1000.142. The proposed rulemaking also repeals Section 1000.151. This Section states the Commissioner shall issue a credit memorandum that each association operating under the provisions of the Illinois Savings and Loan Act of 1985 [205 ILCS 105] may use to offset balances owed from the Supervisory Fee calculated in Section 1000.141.

- B) Statutory Authority: Implementing and authorized by the Illinois Savings and Loan Act of 1985 [205 ILCS 105/7-3(b)(2)]

- C) Schedule meeting/hearing date: None

- D) Date agency anticipates First Notice: Calendar Year 1999

- E) Effect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Bill Brown  
Address: Office of Banks & Real Estate  
500 E. Monroe, Suite 900  
Springfield, IL 62701-1532  
Telephone: 217.782.3000

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Savings Bank Act, 38 Ill. Adm. Code 1075

1) Rulemaking:

- A) Description: The proposed rulemaking repeals Section 1075.141. This Section states the Commissioner shall issue a credit memorandum which each savings bank operating under the provisions of Illinois Savings Bank Act [205 ILCS 205] may use to offset balances owed from the Supervisory Fee calculated in Section 1075.140.

- B) Statutory Authority: Implementing and authorized by the Savings Bank Act

- C) Schedule meeting/hearing date: None Scheduled

## OFFICE OF BANKS AND REAL ESTATE

## JULY 1999 REGULATORY AGENDA

## OFFICE OF BANKS AND REAL ESTATE

## JULY 1999 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Calendar Year 1999
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
     Name: Bill Brown  
     Address: Office of Banks & Real Estate  
               500 E. Monroe, Suite 900  
               Springfield, IL 62701-1532  
     Telephone: 217.782.3000
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Illinois Banking Act, 38 Ill. Adm. Code 375

1) Rulemaking:

- A) Description: This rulemaking will revise the bureau's fee structure.
- B) Statutory Authority: Implementing and Authorized by Section 48 (3) of the Illinois Banking Act [205 ILCS 5/48 (3)] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

- C) Schedule meeting/hearing date: None Scheduled

- D) Date agency anticipates First Notice: Calendar Year 1999

- E) Effect on small business, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: Bill Brown  
Address: Office of Banks & Real Estate  
               500 East Monroe, Suite 900  
               Springfield, IL 62701  
Telephone: 217.782.3000

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Corporate Fiduciary Act, 38 Ill. Adm. Code 396

1) Rulemaking:

## OFFICE OF BANKS AND REAL ESTATE

## JULY 1999 REGULATORY AGENDA

- A) Description: This rulemaking would revise the existing rule with respect to when applications to establish a corporate fiduciary subsidiary need not be filed.
- B) Statutory Authority: Section 5-1(a) of the Corporate Fiduciary Act [205 ILCS 620/5-1(a)]
- C) Schedule meeting/hearing date: None Scheduled
- D) Date agency anticipates First Notice: Calendar Year 1999
- E) Effect on small business, small municipalities or not for profit corporations: None
- F) Agency contact person for information: None  
     Name: Bill Brown  
     Address: Office of Banks & Real Estate  
               500 E. Monroe, Suite 900  
               Springfield, IL 62701-1532  
     Telephone: 217.782.3000
- G) Related rulemakings and other pertinent information: None



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 1999 REGULATORY AGENDA

- a) Part (Hearing and Code Citation): Standard Procurement Rules, 44 Ill. Adm. Code 1

1) Rulemaking:

- A) Description: To make technical and clarifying changes and to make substantive changes to better reflect the Code and appropriate procurement policy.

- B) Statutory Authority: 30 ILCS 500 and 30 ILCS 525

- C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

- D) Date agency anticipates First Notice: Fall, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: No particular effect on small business unless a change to Section 1.4545.

- F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel  
Department of Central Management Services  
720 Stratton Building  
Springfield, Illinois 62706

- G) Related rulemakings and other pertinent information: None

- b) Part (Hearing and Code Citation): State Vehicles and Garage, 44 Ill. Adm. Code 5040

1) Rulemaking:

- A) Description: Primarily to update language but will make changes needed to better reflect current policy.

- B) Statutory Authority: 20 ILCS 405/67.15, 67.16, 30 ILCS 500/45-40

- C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

- D) Date agency anticipates First Notice: Fall, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 1999 REGULATORY AGENDA

- F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel  
Department of Central Management Services  
720 Stratton Building  
Springfield, Illinois 62706

- G) Related rulemakings and other pertinent information: None

- c) Part (Hearing and Code Citation): Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

1) Rulemaking:

- A) Description: May need to clarify existing language and make adjustments to better reflect current policy.

- B) Statutory Authority: Public Act 90-572 [30 ILCS 500 and 575]

- C) Scheduled meeting/hearing date: No hearings or meetings are scheduled.

- D) Date agency anticipates First Notice: Fall, 1999

- E) Effect on small businesses, small municipalities or not for profit corporations: The effect on small business will be the same as any other business.

- F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel  
Department of Central Management Services  
720 Stratton Building  
Springfield, Illinois 62706

- G) Related rulemakings and other pertinent information: None

## ILLINOIS RACING BOARD

## REGULATORY AGENDA

a) Part(s) (Heading and Code Citation):

Public Information Rules/Rulemaking; 11 Ill. Adm. Code 2250  
Access to Information of the Illinois Racing Board; 11 Ill. Adm. Code 2251

Concessionaire Rules; 11 Ill. Adm. Code 402  
Illinois Race Track Rules for Fire Safety; 11 Ill. Adm. Code 403  
Race Track Improvement Fund; 11 Ill. Adm. Code 404  
Special Purse and Reward Fund; 11 Ill. Adm. Code 410  
Race Track Surfaces; 11 Ill. Adm. Code 411  
Uniform System of Accounts; 11 Ill. Adm. Code 412  
Programs; 11 Ill. Adm. Code 415  
Sanitation Rules; 11 Ill. Adm. Code 420  
Approval of Racing Officials; 11 Ill. Adm. Code 422  
Prohibited Conduct; 11 Ill. Adm. Code 423  
Race Track Security; 11 Ill. Adm. Code 425  
Totalizator System Licenses; 11 Ill. Adm. Code 432  
Totalizator Operations; 11 Ill. Adm. Code 433  
Outstanding Tickets; 11 Ill. Adm. Code 434  
Intertrack Wagering Facilities; 11 Ill. Adm. Code 435  
Security Areas; 11 Ill. Adm. Code 436  
County Fair Regulations; 11 Ill. Adm. Code 437  
Licensing; 11 Ill. Adm. Code 502  
Responsibilities and Duties of Occupation Licensees; 11 Ill. Adm. Code 506

Substance Abuse; 11 Ill. Adm. Code 508  
Claiming Races; 11 Ill. Adm. Code 510  
Optional Claiming Races and Starter Allowances; 11 Ill. Adm. Code 719  
Thoroughbred Off-Track Stabling Rules; 11 Ill. Adm. Code 720  
Illinois Racing Board; 11 Ill. Adm. Code 1301  
Licensing; 11 Ill. Adm. Code 1302  
Violations; 11 Ill. Adm. Code 1303  
Race Track Operators and Their Duties; 11 Ill. Adm. Code 1305  
Race Officials; 11 Ill. Adm. Code 1306  
Identification of Horses; 11 Ill. Adm. Code 1307  
Racing, Farm, Corporate or Stable Name; 11 Ill. Adm. Code 1308  
Eligibility and Qualifications for Races; 11 Ill. Adm. Code 1309  
Stakes and Futurities; 11 Ill. Adm. Code 1311  
Entries and Declarations; 11 Ill. Adm. Code 1312  
General Licensee Rules; 11 Ill. Adm. Code 1313  
General Racing and Track Rules; 11 Ill. Adm. Code 1314  
Starting; 11 Ill. Adm. Code 1316  
Drivers, Trainer, and Agents; 11 Ill. Adm. Code 1317  
Racing Rules; 11 Ill. Adm. Code 1318  
Placing and Money Distribution; 11 Ill. Adm. Code 1319  
Forbidden Conduct; 11 Ill. Adm. Code 1320  
Fines, Suspensions and Expulsion; 11 Ill. Adm. Code 1322  
Protests and Appeals; 11 Ill. Adm. Code 1323

## ILLINOIS RACING BOARD

## REGULATORY AGENDA

Time and Records; 11 Ill. Adm. Code 1324  
Security and Admissions; 11 Ill. Adm. Code 1325

a) Part(s) (Heading and Code Citation): (cont.)

Stewards; 11 Ill. Adm. Code 1402  
Officials of Meetings; 11 Ill. Adm. Code 1403  
Racing Secretary; 11 Ill. Adm. Code 1404  
Clerk of the Scales; 11 Ill. Adm. Code 1405  
Judges; 11 Ill. Adm. Code 1406  
License and Application; Association Licenses; 11 Ill. Adm. Code 1407  
Licensing of Participants; 11 Ill. Adm. Code 1408  
Ownership, Partnership and Stable Name; 11 Ill. Adm. Code 1409  
Trainers and Owners; 11 Ill. Adm. Code 1410  
Jockeys, Apprentices, Jockey Agents and Valets; 11 Ill. Adm. Code 1411  
Weights, Penalties and Allowances; 11 Ill. Adm. Code 1412  
Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 1413  
Starting; 11 Ill. Adm. Code 1415  
Rules of the Race; 11 Ill. Adm. Code 1416  
Objections; 11 Ill. Adm. Code 1417  
Employment; 11 Ill. Adm. Code 1420  
Corrupt Practices; 11 Ill. Adm. Code 1422  
Regulations for Meetings; 11 Ill. Adm. Code 1424  
Discretionary Rules; 11 Ill. Adm. Code 1425  
Night Racing; 11 Ill. Adm. Code 1426  
Admissions and Credentials; 11 Ill. Adm. Code 1428  
Every Employee Identified; 11 Ill. Adm. Code 1429  
Horse Health Rules; 11 Ill. Adm. Code 1431  
Disclosure Rules; 11 Ill. Adm. Code 1437  
Quarter Horse Racing; 11 Ill. Adm. Code 1440

1) Rulemaking

A) Description: The Illinois Racing Board plans to repeal all of the Parts listed above and propose new Parts containing similar language with respect to rules regarding horse racing. This rulemaking is intended to re-organize, re-number, clarify and update racing rules and regulations. This rulemaking will remove redundant and outdated provisions. This rulemaking effort will combine rules regarding harness and thoroughbred racing.

B) Statutory Authority: 230 ILCS 5/37-9(b)

C) Scheduled meeting/hearing dates: No hearing dates have been scheduled. Meetings will be scheduled based on public comments received by the Board.

## ILLINOIS RACING BOARD

## REGULATORY AGENDA

- D) Date agency anticipates First Notice: October 1999
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
 Daniel Fitzgerald  
 General Counsel  
 Illinois Racing Board  
 100 West Randolph Street, Suite 11-100  
 Chicago, Illinois 60601  
 (312) 814-2600  
 (312) 814-5039 (TDD)
- G) Related rulemaking and other pertinent information: The Board plans to propose the following Parts which will replace the repealed Parts listed above:
- Illinois Racing Board; 11 Ill. Adm. Code 200  
 Public Information; 11 Ill. Adm. Code 201  
 Rulemaking; 11 Ill. Adm. Code 202  
 Disciplinary Rules; 11 Ill. Adm. Code 211  
 Prohibited Conduct; 11 Ill. Adm. Code 212  
 Programs; 11 Ill. Adm. Code 220  
 Outstanding Tickets; 11 Ill. Adm. Code 319  
 Totalizator: License and Operations; 11 Ill. Adm. Code 320  
 Admissions; 11 Ill. Adm. Code 323  
 License; 11 Ill. Adm. Code 450  
 Duties; 11 Ill. Adm. Code 451  
 Uniform System of Accounts; 11 Ill. Adm. Code 453  
 Purses; 11 Ill. Adm. Code 454  
 Occupation Licensees and Duties; 11 Ill. Adm. Code 600  
 Racing Officials; 11 Ill. Adm. Code 601  
 Substance Abuse; 11 Ill. Adm. Code 602  
 Concessionaires; 11 Ill. Adm. Code 604  
 Stewards; 11 Ill. Adm. Code 800  
 Types of Races; 11 Ill. Adm. Code 801  
 Off-Track Stabling; 11 Ill. Adm. Code 802  
 Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 803  
 Starting; 11 Ill. Adm. Code 804  
 Rules of the Race; 11 Ill. Adm. Code 805  
 Weights; 11 Ill. Adm. Code 806  
 Time and Records; 11 Ill. Adm. Code 807  
 Horse Health; 11 Ill. Adm. Code 808  
 Quarter Horse Racing; 11 Ill. Adm. Code 809

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 13, 1999 through July 19, 1999 and have been scheduled for review by the Committee at its August 17, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/27/99	Department of Natural Resources, Repeal of Contracts for Construction (44 Ill Adm Code 600)	3/19/99 23 Ill Reg 3246	8/17/99
8/29/99	Capital Development Board, Standards for Award of Grants: School Construction Program (71 Ill Adm Code 40)	5/28/99 23 Ill Reg 6196	8/17/99
8/29/99	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	5/7/99 23 Ill Reg 5474	8/17/99



## PROCLAMATIONS

99-294

CARBONDALE STATE CHAMPIONSHIP  
BARBEQUE COOKOFF DAYS

WHEREAS, Main Street Pig Out Barbeque Cookoff will be hosted by Carbondale Main Street, an Illinois Main Street Community, in Carbondale, Illinois, on Friday, September 18 and Saturday, September 19, 1998; and

WHEREAS, Main Street Pig Out encourages partnerships between the City of Carbondale, the Carbondale Park District, Carbondale Chamber of Commerce, Southern Illinois University, Carbondale Convention & Tourism, businesses of Downtown Carbondale, several corporate sponsors, and over 300 private citizens serving as volunteers; and

WHEREAS, last year's Pig Out drew 10,000 people to Downtown Carbondale to enjoy excellent food, outstanding music, and a variety of family and children activities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 18-19, 1999, as CARBONDALE STATE CHAMPIONSHIP BARBEQUE COOKOFF DAYS in Illinois.

Issued by the Governor June 9, 1999.

Filed by the Secretary of State July 9, 1999.

99-295

## WOJCIECH A. WIERZEWSKI, PH.D. DAY

WHEREAS, Wojciech A. Wierzewski, Ph.D. is celebrating in 1999 his 40th anniversary as a journalist and 35th anniversary of his university career; and WHEREAS, in Poland, Wojciech A. Wierzewski, Ph.D. was an editor, Associate Professor at Warsaw University and the author of eight books; and

WHEREAS, Wojciech A. Wierzewski, Ph.D. was appointed in 1979 as a Visiting Professor at Indiana University, and his career continued at the University of Ohio, Minnesota University, Loyola of Chicago, DePaul and the Illinois University at Chicago; and

WHEREAS, Wojciech A. Wierzewski was an editor of several publications and in 1985 became Editor-in-Chief of the oldest ethnic Polish periodical in the United States, "Zgoda", published continuously since 1881; and

WHEREAS, Wojciech A. Wierzewski, Ph.D. has hosted several radio programs during his career and presently he is producer and host of daily Polish program of WPNA - 1490 AM, "Dialogue";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 1999, as WOJCIECH A. WIERZEWSKI, PH.D. DAY in Illinois.

Issued by the Governor June 24, 1999.

Filed by the Secretary of State July 9, 1999.

99-296

CARL SANDBURG HIGH SCHOOL VARSITY  
BOYS VOLLEYBALL TEAM DAY

WHEREAS, the Carl Sandburg High School Varsity Boys Volleyball Team has represented Carl Sandburg High with honor and sportsmanship during their 1999 volleyball season; and

WHEREAS, the Carl Sandburg High School Varsity Boys Volleyball Team was led by Head Coach Joann Holverson and Assistant Coaches Lori Wierzal, Kathy Nolan and Jeff Krohn; and

WHEREAS, Carl Sandburg High School Varsity Boys Volleyball Team was made up of Brian Brennan, Greg Ephriam, Brian Grosse, Ryan Hendrickson, Peter Lee, Doug Loizzo, Jake Michalowski, Chris Neylon, Greg Pochopien, Mike Rondinella, Ed Salameh, Derek Schryer, Jim Schulte, Bob St. Leger, Jermaine Tayler and Dan Turner; and

WHEREAS, the Carl Sandburg High School Varsity Boys Volleyball Team competed with dedication and determination to become the 1999 Illinois State Volleyball Champions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 1, 1999, as CARL SANDBURG HIGH SCHOOL VARSITY BOYS VOLLEYBALL TEAM DAY in Illinois.

Issued by the Governor June 25, 1999.

Filed by the Secretary of State July 9, 1999.

99-297

## DRAGON FESTIVAL DAY

WHEREAS, Chinatown's First Annual Dragon Festival will take place on June 19, 1999, at Allen Lee Square; and

WHEREAS, Chinatown's First Annual Dragon Festival will serve as a precursor to the traditional Chinese cultural celebration of the Dragonboat Festival; and

WHEREAS, by 2001, with the completion of Ping Tom Memorial Park, the Chicago Chinatown Chamber of Commerce plans to host comparable festivals with dragonboat races along the Chicago River; and

WHEREAS, Chinatown's First Annual Dragon Festival is expected to draw approximately 15,000 people to share in the rich cultural heritage of Chicago's Chinatown and Chinese community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 1999, as DRAGON FESTIVAL DAY in Illinois.

Issued by the Governor June 25, 1999.

Filed by the Secretary of State July 9, 1999.

99-298

## THERAPEUTIC RECREATION WEEK

WHEREAS, individual and organized forms of recreation and the use of leisure time are vital to the lives of everyone; and

WHEREAS, the purpose of therapeutic recreation is to facilitate the development, maintenance and expression of an appropriate leisure lifestyle; and

WHEREAS, the National Therapeutic Recreation Society, a branch of the National Recreation and Park Association, stresses the value of recreation and leisure experiences for all persons; and

WHEREAS, therapeutic recreation is accomplished through programs and services that assist in eliminating barriers to leisure, in developing leisure skills as attitudes and in optimizing leisure involvement;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 11-17, 1999, as THERAPEUTIC RECREATION WEEK in Illinois.

Issued by the Governor June 28, 1999.

Filed by the Secretary of State July 9, 1999.

99-299

#### THE HYDIAH PROJECT DAY

WHEREAS, The Hydiah Project is a non-profit organization that is dedicated to providing celebration throughout the year during major holidays for those who are homeless; and

WHEREAS, The Hydiah Project is dedicated to motivating and changing the lives of those who are in need; and

WHEREAS, on July 4, 1999, The Hydiah Project will sponsor its First Annual Bar-B-Que On Michigan Avenue for the homeless in Chicago; and

WHEREAS, the event's goal is to feed 1,000 homeless people and to draw attention to the needs of the homeless;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 4, 1999, as THE HYDIAH PROJECT DAY in Illinois.

Issued by the Governor June 29, 1999.

Filed by the Secretary of State July 9, 1999.

99-300

#### WOMEN'S BUSINESS DEVELOPMENT DAY

WHEREAS, the Women's Business Development Center (WBDC) is a nationally recognized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership; and

WHEREAS, the WBDC is dedicated to strengthening the impact women have on the economy; and

WHEREAS, the WBDC will hold its 13th Annual Entrepreneurial Woman's Business Conference on September 8, 1999, at Chicago's Navy Pier; and

WHEREAS, this conference marks the continuation of the second decade of the WBDC's commitment to the demands of women entrepreneurs for greater opportunities in business ownership and development; and

WHEREAS, the WBDC has, in response, put forth creative and innovative approaches to empowering women and their families, striving to influence the larger political and economic environment in a way that encourages and supports women's economic empowerment; and

WHEREAS, the WBDC was founded in 1986 by Carol Dougal and Hedy Ratner, and today more than 30,000 women business owners have used its programs and services, one-on-one counseling, workshops, entrepreneurial training, the Women's Business Finance Program, the Women's Business Enterprise Program, YouthBiz and Child Care Initiatives; and

WHEREAS, there are now more than 9.1 million women-owned businesses in the United States, including about 385,000 in Illinois, and women business owners employ two of every five company workers and generate over \$3.6 trillion in sales, an increase of 436 percent since 1987;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim September 8, 1999, as WOMEN'S BUSINESS DEVELOPMENT DAY in Illinois.

Issued by the Governor June 29, 1999.

Filed by the Secretary of State July 9, 1999.

99-301

#### WOMEN'S SOCCER DAY

WHEREAS, women's soccer is the fastest growing sport in the world; and  
WHEREAS, women's soccer is the largest participating sport in the United States; and

WHEREAS, the United States Women's National Team was the first United States team to win a World Cup Championship in 1991; and

WHEREAS, the first Women's World Cup Soccer will be held this year in the United States; and

WHEREAS, the games will start on June 19, 1999, at the Giant Stadium in New Jersey and Soldier Field in Chicago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 10, 1999, as WOMEN'S SOCCER DAY in Illinois.

Issued by the Governor June 29, 1999.

Filed by the Secretary of State July 9, 1999.

99-302

#### GEORGE WASHINGTON BICENTENNIAL DAYS

WHEREAS, December 14, 1999, will be the 200th Anniversary of the death of George Washington, the father of our nation; and

WHEREAS, George Washington was the first president of the United States of America. Although we have grown to 50 states from the original 13, it does not diminish Washington's historical importance to Americans born 200 years after his death or to those states which came into the Union after the Revolutionary War; and

WHEREAS, the high standards established by George Washington's steadfast character and devotion to duty have inspired generations of Americans and continues to inspire men and women in the service of their country and in the conduct of their private lives; and

WHEREAS, the achievements of George Washington and the example set by his conduct and selfless love of his country has been and will continue to be an invaluable legacy for the future of the American nation; and

WHEREAS, George Washington was strongly admired and respected by the nation and, even during the Civil War when President Lincoln, from Illinois, declared Mount Vernon a neutral zone, soldiers from both the Northern and Southern armies visited Mount Vernon unattacked; and

WHEREAS, the Mount Vernon Ladies' Association, with monetary help from women in every state of the union, purchased, restored and maintains Mount Vernon, the historic home of George Washington; and

WHEREAS, the State of Illinois and its people have always been strong supporters of Mount Vernon, both in contributions and interest among its citizens, and Illinois ranks seventh in visitor demographics to Mount Vernon; and

WHEREAS, the exhibit, Treasures from Mount Vernon: George Washington Revealed, will travel to only five cities in the United States to commemorate the 200th Anniversary of Washington's death, and the exhibit will close at the Chicago Historical Society before returning to Mount Vernon;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 15-December 31, 1999, as GEORGE WASHINGTON BICENTENNIAL DAYS in Illinois.

Issued by the Governor June 30, 1999.



Filed by the Secretary of State July 9, 1999.

99-303

PARENT INVOLVEMENT AWARENESS DAY

WHEREAS, parents have the greatest opportunity to challenge their children; and

WHEREAS, Parenting Awareness Day is a statewide campaign to promote awareness, education and resources through state and local outreach; and  
WHEREAS, Parenting Awareness Day highlights the importance of effective parenting in nurturing children to become healthy, caring, contributing citizens; and

WHEREAS, the Parenting Coalition International is leading an effort to establish the first day of Take Our Parents to School Week and American Education Week as Parent Involvement Awareness Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 25, 1999, as PARENT INVOLVEMENT AWARENESS DAY in Illinois.

Issued by the Governor July 1, 1999.

Filed by the Secretary of State July 9, 1999.

99-304

STRASBURG DAYS

WHEREAS, early pioneers and settlers came to the Strasburg area on the Grand Prairie Trail; and

WHEREAS, the pioneers and settlers remained because of the fertile soil; and  
WHEREAS, Strasburg, Illinois, was settled by German immigrants in 1825; and  
WHEREAS, Charles Ostermeier, who owned the general store, laid out the town on 40 acres of land in 1874; and

WHEREAS, Strasburg, Illinois, became a prosperous farming community and now flourishes under the apt leadership of Mayor Jim Connell; and

WHEREAS, Strasburg, Illinois, is celebrating its sesquicentennial on July 2-4, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 2-4, 1999, as STRASBURG DAYS in Illinois.

Issued by the Governor July 1, 1999.

Filed by the Secretary of State July 9, 1999.

99-305

ADA: UNIVERSAL ACCESS INTO THE MILLENNIUM DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the state is committed to increasing the opportunities for Illinois citizens with disabilities who want full inclusion in employment, transportation, education, communication and the community; and

WHEREAS, the ADA guarantees civil rights for individuals with disabilities and was signed into law nine years ago this July; and

WHEREAS, the state has promoted independence, equal opportunity and self-sufficiency of people with disabilities as full participants in our society resulting from the passage of the ADA; and

WHEREAS, Illinois continues to be a leader in promoting accessibility and independence by implementing civil rights legislation such as the ADA; and

WHEREAS, all citizens must continue to become aware and learn about the needs of people with disabilities to ensure barrier-free environments exist in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 1999, as ADA: UNIVERSAL ACCESS INTO THE MILLENNIUM DAY in Illinois.

Issued by the Governor July 2, 1999.

Filed by the Secretary of State July 9, 1999.

99-306

JANE ADDAMS HULL HOUSE ASSOCIATION  
AND TOYNBEE HALL DAYS

WHEREAS, in 1884, Canon Barnett and his wife, Henrietta, established Toynbee Hall, the first settlement house in the world, in the East End of London to enable the privileged and the disadvantaged to live as neighbors and to improve social conditions together; and

WHEREAS, in 1885 Jane Addams visited Toynbee Hall and was inspired to create a similar settlement house in Chicago, where she could aid in the solution to growing social challenges; and

WHEREAS, on September 18, 1889, Jane Addams opened the doors of Hull House on the west side of Chicago to help her immigrant neighbors build self-sufficient lives; and

WHEREAS, under the steadfast leadership of Jane Addams, Hull House established the city's first settlement house, public playground, free art exhibits and labor unions; and

WHEREAS, today, the Jane Addams Hull House Association continues to foster the personal mission of Jane Addams, who believed in neighbors helping neighbors; and

WHEREAS, the Jane Addams Hull House Association serves thousands of children, families and seniors each year through hundreds of social service programs throughout Chicago and the suburbs; and

WHEREAS, Toynbee Hall provides vital services by working with the community through specialized departments including children and families, senior care, training programs, legal advice and Asian studies;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 11-14, 1999, as JANE ADDAMS HULL HOUSE ASSOCIATION AND TOYNBEE HALL DAYS in Illinois.

Issued by the Governor July 2, 1999.

Filed by the Secretary of State July 9, 1999.

99-307

ST. ARCHANGEL MICHAEL SERBIAN ORTHODOX CHURCH DAY

WHEREAS, St. Archangel Michael Serbian Orthodox Church located in Lansing is celebrating its Ground Breaking Ceremony July 25, 1999; and

WHEREAS, the pastor Rev. Fr. Milos M. Vesin announces the Ceremony of St. Archangel Michael Serbian Orthodox Church, Divine Liturgy will be officiated by His Eminence Metropolitan Christopher, Metropolitan of the Midwestern American Metropolitanate and priests from other Orthodox churches from the Chicago area; and

WHEREAS, the Church has several spiritual organizations including, Choir, Sunday School, Serbian Senior Social Club, Ladies Auxiliary and Youth



Organizations; and WHEREAS, members of the St. Archangel Michael Serbian Orthodox Church do charitable work and promote the rich Serbian heritage and culture; and WHEREAS, Rev. Fr. Milos M. Vasin, Pastor; George S. Ivencevich, President of Church Board; and Joseph Rognich, Building Committee Chairman are to be commended for their commitment and dedication to the St. Archangel Michael Serbian Orthodox Church; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 25, 1999, as ST. ARCHANGEL MICHAEL SERBIAN ORTHODOX CHURCH DAY in Illinois.

Issued by the Governor July 2, 1999.  
Filed by the Secretary of State July 9, 1999.

99-308  
"MAKE-A-WISH"-METRO EAST ST. LOUIS DAY

WHEREAS, the 4th Annual D.S.R.A. Lighted Boat Regatta will be held on July 24, 1999, at the Alton Marina in Alton, Illinois; and WHEREAS, the 4th Annual D.S.R.A. Lighted Boat Regatta will benefit the "Make-A-Wish" Foundation of Metro East St. Louis Inc.; and WHEREAS, the 4th Annual D.S.R.A. Lighted Boat Regatta and the "Make-A-Wish" Foundation of Metro East St. Louis Inc. has raised in excess of one million dollars in nine years to benefit children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 24, 1999, as "MAKE-A-WISH" - METRO EAST ST. LOUIS DAY in Illinois.

Issued by the Governor July 6, 1999.  
Filed by the Secretary of State July 9, 1999.

99-309  
SCHWABEN FEST DAYS

WHEREAS, the Schwaben Verein will hold its 122nd annual Schwaben Fest, originally named Cannstatter Volksfest, on August 14-15, 1999, at the Schwaben Center in Buffalo Grove, Illinois; and WHEREAS, the Schwaben Verein was founded in Chicago, Illinois, in 1878; and WHEREAS, the President George Boehm announces the Blasorchester Musikverein Stuttgart-Hofen 1905 e. V., from the Schwaben area of Germany, will play traditional German music; and

WHEREAS, singers and dancers from Illinois German Clubs will perform at the Schwaben Fest; and

WHEREAS, there will be special programs, entertainment and soccer games for children; and

WHEREAS, the Schwaben Fest promotes German heritage and culture and donates the proceeds to several charities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 14-15, 1999, as SCHWABEN FEST DAYS in Illinois.

Issued by the Governor July 6, 1999.  
Filed by the Secretary of State July 9, 1999.

99-310  
SOUTHERNMOST ILLINOIS DELTA EMPOWERMENT ZONE DAY

WHEREAS, the United States Department of Agriculture - Rural Development has given designation to the Southernmost Illinois Delta Empowerment Zone; and WHEREAS, the counties of Alexander, Johnson and Pulaski have agreed to work together toward the implementation of a comprehensive, collaborative community and economic development plan; and

WHEREAS, the Southernmost Illinois Delta Empowerment Zone Steering Committee, through a strong volunteer effort, has developed a comprehensive strategic plan for the empowerment zone; and

WHEREAS, the Southernmost Illinois Delta Empowerment Zone Board of Directors will implement the strategic plan to show positive growth and development in the areas of infrastructure, economic development, tourism, stronger unity and sense of community, lifelong learning and education, housing and health care; and

WHEREAS, the State of Illinois will support this effort by providing technical assistance, staff resources and integrated programs and services through its many agencies; and

WHEREAS, this group of federal, state and local leaders pledge unity in this effort to improve quality of life conditions in the Southernmost Illinois Delta Empowerment Zone;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 8, 1999, as SOUTHERNMOST ILLINOIS DELTA EMPOWERMENT ZONE DAY in Illinois.

Issued by the Governor July 6, 1999.  
Filed by the Secretary of State July 9, 1999.

99-311  
ARTISTIC AND RHYTHMIC GYMNASTICS DAY

WHEREAS, the sport of gymnastics serves as a positive and healthy fitness opportunity for our children; and WHEREAS, the sport of gymnastics fosters other learning and self-improvement skills and benefits; and

WHEREAS, the United States is one of the leading countries in the sport of gymnastics; and

WHEREAS, collectively, our nation strives to encourage greatness and achievement in our young people; and

WHEREAS, the Artistic and Rhythmic Gymnastics Organization Inc. will perform at the James R. Thompson Center on June 29, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 31, 1999, as ARTISTIC AND RHYTHMIC GYMNASTICS DAY in Illinois.

Issued by the Governor July 7, 1999.  
Filed by the Secretary of State July 9, 1999.

99-312  
CRISTINA DELGADO DAY

WHEREAS, Cristina Delgado has dedicated 26 years of service to education and the 3rd and 4th grade children of Aurora School District #129; and WHEREAS, Cristina Delgado has been a role model and an inspiration to her students and peers; and

WHEREAS, Cristina Delgado is dedicated to the women's movement, the environment and good health; and

WHEREAS, Cristina Delgado has the support and love of her devoted husband,

Dominic; her two children, Adrian and Nina Victoria; and her parents, Jovita Laura and Hilario "Larry" Flores; and  
 WHEREAS, Cristina Delgado will retire from teaching after 26 years in the classroom;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 17, 1999, as CRISTINA DELGADO DAY in Illinois.

Issued by the Governor July 7, 1999.

Filed by the Secretary of State July 9, 1999.

99-313

FATHER MEL DAY

WHEREAS, Father Melchior Toczek chose to become a Franciscan priest and studied at Mayslake in Oak Brook and at The Franciscan major seminary in Teutopolis; and

WHEREAS, Father Melchior Toczek, known as Father Mel, was ordained on June 24, 1949; and

WHEREAS, Father Mel taught at Quincy College for 6 years, administered and taught for 11 years at Hales Franciscan High School in Chicago, and was assigned to the prisoners at Statesville Prison in Joliet for almost 12 years, as well as being a chaplain for thousands of the chronically ill patients at Oak Forest Hospital; and

WHEREAS, Father Mel has devoted his life to the service of the needy; and

WHEREAS, Father Mel, Chaplain of Oak Forest Hospital of the Cook County Hospital System, will celebrate the 50th Anniversary of his ordination to the Priesthood on Sunday, July 11, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 11, 1999, as FATHER MEL DAY in Illinois.

Issued by the Governor July 7, 1999.

Filed by the Secretary of State July 9, 1999.

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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